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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
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Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the *Register* deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTSDEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part: Records of Committed Persons2) Code Citation: 20 Ill. Adm. Code 1073) Section Numbers: Proposed Action:
107.170 Repeal4) Statutory Authority: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 1003-2-2 and 1003-7-1).5) A Complete Description of the Subjects and Issues Involved: The Department, pursuant to an agreement with the Prisoner Review Board, has phased out the awarding of institution credits whereby deserving inmates were referred for a parole hearing prior to their scheduled dates. The rule is therefore being repealed. In addition, the statutory citations in the Authority Note are being updated.6) Will this proposed rule replace an emergency rule currently in effect?
No.7) Does this rulemaking contain an automatic repeal date? Yes
X No8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: Not applicable; this rulemaking does not issue a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:William H. Craine, Ph.D., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of the publication will be considered.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.The full text of the Proposed Rule(s) begins on the next page:TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULESPART 107
RECORDS OF COMMITTED PERSONS

SUBPART A: ADMISSION DOCUMENTS

Section
107.10
107.20Applicability
Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section
107.100
107.110
107.120
107.130
107.140
107.150
107.160
107.170
107.180Applicability
Diminution of Felony Sentences
Good Time Schedules Applicable to Felony Sentences
Consecutive Sentences
Concurrent Sentences
Revocation of Statutory Good Time and Good Conduct Credits
Restoration of Statutory Good Time and Good Conduct Credits
Institution Credits (Repealed)
Misdemeanant Good Time Allowance

SUBPART C: MERITORIOUS GOOD TIME

Section
107.200
107.210Applicability
Awarding of Meritorious Good Time

SUBPART D: MAINTENANCE OF RECORDS

Section
107.300
107.310
107.320
107.330
107.340Applicability
Access to Records
Disclosure of Master Record File Material for Youth Committed to the Juvenile Division - Court Agreement
Release of Clinical Records to Committed Persons and Authorized Attorneys (Adult Division) - Court Agreement
Release of Clinical Records to Committed Persons and Authorized Attorneys (Community Services Division)

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

SUBPART E: ACCESS AND REVIEW OF CRIMINAL HISTORY RECORD
INFORMATION

Section	Applicability
107.400	Definition
107.410	Right to Access and Review
107.420	Requests for Access and Review
107.430	Challenge of Record
107.440	

AUTHORITY: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 3-10-1, 5-4-1, 5-8-6, and 5-8-7 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 1003-2-2, 1003-3-2, 1003-5-1, 1003-5-2, 1003-6-3, 1003-8-1, 1003-10-1, 1005-4-1, 1005-8-6 and 1005-8-7), Sections 2-8, 5-10 and 5-12 of the Juvenile Court Act (Ill. Rev. Stat. 1987, ch. 37, pars. 702-8, 705-10 and 705-12) and Section 2 of the Misdemeanor Good Behavior Allowance Act (Ill. Rev. Stat. 1987, ch. 75, par. 31) and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-7-1). Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980).

SOURCE: Adopted and codified at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. _____, effective _____.

Section 107.170 Institution Credits (Repealed)

a)---Committed persons who are denied parole are eligible for an award of institution credits, which, if awarded, may advance their next parole hearing either 30, 60 or 90 days earlier than scheduled.

b)---A recommendation that a committed person receive institution credits may be made to the Chief Administrative Officer or his designee by any staff supervisor or the person's counselor. In determining whether or not to award institution credits, the Director may consider, in addition to other criteria, the person's conduct, work, attitude, successful participation in programs, and disciplinary record. The recommendation shall be submitted for consideration to the Director at least 45 days prior to the beginning of the month in which the case would be added to the docket.

c)---No institution credits shall be granted on any continuance of less than one year.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL
RADIATION TECHNOLOGY

2) Code Citation: 32 Ill. Adm. Code 401

3) Section Number: 401.170
Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 4, 4.1, 4.2 and 9 of the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111, pars. 214, 214.1, 214.2 and 219).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the civil penalties provision (Section 401.170) to clarify what constitutes a repeat violation by an employer. The Department is amending this Section at the recommendation of the Radiologic Technology Accreditation Board.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking will not require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Betsy Salus
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
785-9880

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 13, 1989.
- B) Types of small businesses affected: These rules will have a direct impact on small business, such as small radiation installations, where unaccredited persons are allowed to administer radiation to humans in violation of Section 4 of the Radiation Protection Act, Ill. Rev. Stat. 111k, par. 214.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
- D) Types of professional skills necessary for compliance: Professional education and demonstrated competence in radiologic technology is necessary for compliance with this rule.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY

Section	Policy & Scope
401.10	Definitions
401.20	Exemptions
401.30	Application for Accreditation
401.40	Categories of Accreditation
401.50	Examination Requirements
401.60	Acceptable Examinations
401.70	Approved Program
401.80	Practice Requirement - Initial Licensure (Repealed)
401.90	Initial Issuance of Accreditation
401.100	Duration of Accreditation
401.110	Suspension and Revocation of Accreditation
401.120	Fees
401.130	Requirements for Renewal of Accreditation
401.140	Reciprocity
401.150	Minimum Course of Education (Repealed)
401.160	Civil Penalties
401.170	

AUTHORITY: Implementing and authorized by Sections 4, 4.1, 4.2 and 9 of the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111k, pars. 214, 214.1, 214.2 and 219).

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; Emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086 effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; Emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at ___ Ill. Reg. ___, effective _____.

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Section 401.170 Civil Penalties

a) The Department shall assess civil penalties, in accordance with subsections (c) and (d), against any person who performs, and against the operator of the radiation installation where a person performs, medical radiation procedures without valid accreditation, unless the person performing the medical radiation procedures is specifically exempt from the accreditation requirements as specified in Section 401.30.

b) Prior to assessing civil penalties, the Department shall confirm the violation of the accreditation requirements by:

- 1) Observation of the violation by a Departmental Inspector or nondepartmental inspector;
- 2) Obtaining records, documents, or other physical evidence;
- 3) Obtaining statements from either the employer, or the employee which confirm the existence of the violation; or
- 4) Obtaining statements from third parties, e.g., patients or co-workers, that corroborate the allegation that a violation has occurred.

c) Civil Penalties shall be assessed against persons who perform medical radiation procedures without accreditation (i.e., unaccredited technologists) as follows:

- 1) First violation by an unaccredited technologist - \$250.
- 2) Second violation by an unaccredited technologist - \$500.
- 3) Third and subsequent violations by an unaccredited technologist - \$1,000.

d) Civil Penalties shall be assessed against the operators of a radiation installation where a person performs medical radiation procedures without valid accreditation as follows:

- 1) First violation by an operator - \$500.
- 2) Second and subsequent violations by an operator, within a 12 month period - \$1,000.

e) The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. Each day the violation continues shall constitute a separate offense.

f) Failure of an operator of a radiation installation to abate an accreditation violation or to pay a properly assessed civil penalty, shall cause the Department to issue an order prohibiting the use of any source of radiation at the installation until such time as the violation has been abated and all assessed civil penalties have been paid.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

NOTICE OF PROPOSED RULES

services, and work programs.

Subpart E outlines requirements for emergencies, including behavior management programs. Requirements for reporting serious incidents and accidents to the Department are included in Section 380.440. Provisions for emergency planning, fire and safety drills, and resident relocation are also outlined in this subpart.

Subpart F covers recordkeeping requirements. Resident medical record requirements are detailed, including information which must be made a part of the medical record upon admission and the procedures for updating and maintaining the medical record. Provisions on facility records are also included.

Subpart G concerns the storage, handling, and administration of medications. Provisions on self-administration of medications are included in Section 380.540. The rules specify that all medications administered to a resident of the facility must be ordered by a physician. Requirements concerning the labeling and disposal of medications are also included in this subpart. Special requirements for the storage and administration of controlled substances are also included.

Subpart H contains food service requirements. Both nutritional and food service sanitation requirements are outlined in this subpart. Under these requirements, diet orders and modified or therapeutic diets must be reviewed on a regular basis.

Subpart I presents housekeeping and equipment requirements. This subpart requires facilities to provide certain furnishings as a part of resident rooms and to implement a maintenance plan to insure the cleanliness of the facility. Laundry services are also covered by these rules.

Subpart J details the physical plant requirements for these facilities. The rules incorporate various building and safety codes and requires that architectural plans be submitted for any major remodeling within the facility. The subpart details general building requirements for resident bedrooms, administrative offices, bathrooms, living rooms, and activity spaces. In addition, this subpart contains mechanical and electrical requirements.

The Department does not believe that these proposed rules will have a significant fiscal impact on regulated facilities. Current requirements for skilled nursing and intermediate care facilities are similar to these proposed requirements, so changing between these classification should not significantly increase costs. The Department of Public Aid is developing an appropriate payment rate under Medicaid programs for these facilities.

NOTICE OF PROPOSED RULES

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will these Proposed Rules Replace an Emergency Rule Currently in Effect?
No.

7) Does this Rulemaking contain an Automatic Repeal Date? No.

8) Do these Proposed Rules Contain Incorporations By Reference? Yes.

These proposed rules contain incorporations by reference of various materials under both Sections 6.02(a) and 6.02(b) of the Illinois Administrative Procedure Act.

9) Are there any Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

Public hearings on these proposed rules will be held at the following dates, times, and locations:

1. Wednesday, March 8, 1989, at 10:00 A.M.
Department of Public Health (Specific room will be announced later.)
525 West Jefferson, Springfield, Illinois
2. Thursday, March 9, 1989, at 10:00 A.M.
State of Illinois Center (Specific room will be announced later.)
100 West Randolph Street, Chicago, Illinois

These public hearings will be held for the sole purpose of gathering public comment on the proposed rules. Persons interested in presenting testimony at the hearings are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing

NOTICE OF PROPOSED RULES

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officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.

2. Each person presenting oral testimony shall be limited to 15 minutes for the presentation of such testimony.
3. No person shall be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete the testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as the hearing officer deems necessary.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address. Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 10, 1989

- B) Type of Small Businesses Affected:

Nursing homes, long-term care facilities, treatment programs for the chronic mentally ill.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

- D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Rules begins on the next page:

NOTICE OF PROPOSED RULES

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 380
RESIDENTIAL REHABILITATION FACILITIES CODE

SUBPART A: GENERAL REQUIREMENTS

Section	
380.100	General Description
380.110	Definitions
380.115	Incorporated and Referenced Materials
380.120	Licensure Procedures
380.130	Inspection, Violation, and Complaint Procedures
380.140	Waivers of Specific Requirements
380.150	Residents Rights
380.160	Residents Advisory Council

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380.170	Admission Policies
380.180	Admission Examinations
380.190	Discharge Policies

SUBPART C: PERSONNEL

Section	
380.200	General Staffing Requirements
380.210	Personnel Policies
380.220	Orientation and In-Service Education
380.230	Administrator
380.240	Resident Services Director
380.250	Health Services Supervisor
380.260	Social Services Staff
380.270	Activity Staff
380.280	Nursing Staff
380.290	Psychosocial Program Assistant Staffing
380.300	Psychosocial Program Assistant Qualifications

SUBPART D: SERVICES AND TREATMENT

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380.310	Individual Psychosocial Care Plan
380.320	Psychosocial Rehabilitation Services Program
380.330	Consultation Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

380.340 Social Services
 380.350 Activities Programs
 380.360 Resident Care and Personal Hygiene
 380.370 Medical Care Services
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 380.420 Rehabilitation and Therapy Services
 380.430 Work Programs

SUBPART E: EMERGENCIES

Section
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 380.450 Medical Emergencies
 380.460 Behavioral Emergencies and Restraints
 380.470 Disaster Planning

SUBPART F: RECORDS

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 380.480 Resident Record Requirements
 380.490 Content of Medical Records
 380.495 Confidentiality of Resident Records
 380.500 Records Pertaining to Residents' Property
 380.510 Retention and Transfer of Resident Records
 380.520 Other Resident Record Requirements
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 380.550 Medications: Administrative Responsibilities
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 380.590 Emergency Kit Requirements

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 380.620 Diet Orders
 380.630 Daily Food Allowance for Residents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

380.640 Meal Patterns
 380.650 Modified Therapeutic Diets
 380.660 Scheduling Meals
 380.670 Menu Planning
 380.680 Food Preparation, Service and Sanitation
 380.690 Kitchen Equipment, Utensils and Supplies

SUBPART I: HOUSEKEEPING AND EQUIPMENT

Section
 380.700 Furnishings
 380.710 Maintenance
 380.720 Housekeeping
 380.730 Laundry Services
 380.740 Equipment and Supplies
 380.750 Sterilization of Equipment and Supplies

SUBPART J: PHYSICAL PLANT

Section
 380.760 Applicability of Physical Plant Requirements
 380.770 Codes and Standards
 380.780 Preparation of Drawings and Specifications
 380.790 Site
 380.800 General Environment
 380.810 Administration and Public Areas
 380.820 Resident Bedrooms
 380.830 Central Nursing Station
 380.840 Bath and Toilet Rooms
 380.850 Living, Dining, and Activity Rooms
 380.860 Service Areas
 380.870 General Building Requirements
 380.880 Structural
 380.890 Mechanical Systems
 380.900 Plumbing Systems
 380.910 Electrical Requirements

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq.)

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____, 1988.

NOTE: Capitalization denotes statutory language.

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SUBPART A: GENERAL REQUIREMENTS

Section 380.100 General Description

- a) A Residential Rehabilitation Facility is a facility, licensed by the Illinois Department of Public Health under the requirements of this Part, which meets the special needs of an identifiable chronically mentally ill population.
- b) The psychosocial rehabilitation program of the facility shall provide the following services as needed by the residents of the facility:
 - 1) Twenty-four hour general supervision.
 - 2) Administration of psychotropic medication.
 - 3) Intensive rehabilitation services for residual deficits in cognitive, social, self-care, living skills and behavioral self-management capacities.
 - 4) Personal care assistance.
- c) Psychosocial programs in the Residential Rehabilitation Facility shall define and measure levels of resident functioning. Where appropriate, psychosocial rehabilitation programs shall prepare residents for changes in their living situations and provide referral to appropriate community services. Long-term care shall be provided for residents who can function in the Residential Rehabilitation Facility, but cannot move to a less structured environment.
- d) Psychosocial programs shall have the following goals:
 - 1) To maximize the social functioning of each resident;
 - 2) To enhance the coping capacity of the resident and, if appropriate, the resident's family;
 - 3) To educate residents about the human and civil rights of the mentally ill; and
 - 4) To foster the human dignity and personal worth of each resident.

Section 380.110 Definitions

Abuse: any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility.

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Access: the right to:

- Enter any facility;
 - Communicate privately and without restriction with any resident who consents to the communication;
 - Seek consent to communicate privately and without restriction with any resident;
 - Inspect the clinical and other records of a resident with the express written consent of the resident;
 - Observe all areas of the facility except the living area of any resident who protests the observation.
- Act: the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151.101 et seq.)
- Activity Program: a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.
- Adaptive Behavior: the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.
- Addition: any construction attached to the original building which increases the area or cubic content of the building.

Administrator: the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. [See also the definition of Licensed Nursing Home Administrator.]

Advocate: a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate:

With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and

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stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder.

Alteration: any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Applicant: any person making application for a license.

Assessment: the use of an objective system with which to evaluate the physical, social, developmental, behavioral, psychosocial, etc., aspects of an individual.

Audiologist: a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Basement: any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification or Behavior Management: any treatment used to establish or change behavior patterns.

Contract: a binding agreement between a resident or his guardian or if the resident is a minor, his parent and the facility or its agent.

Cruelty and Indifference to Welfare of the Resident: failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist: any person licensed by the State of Illinois to practice dentistry, including persons holding a Temporary Certificate of

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Registration, as provided in the Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2202 et seq.).

Department: the Illinois Department of Public Health.

Dietetic Service Supervisor: a person who is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides ninety or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian: a person who

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision: the guidance and direction of a supervisor who is responsible for the work being performed, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results (see also the definition of "supervision").

Director: the Director of Public Health or the Director's designee.

Discharge: the full release of any resident from a facility.

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Distinct Part: an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency: a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Equivalent of a Graduate Licensed Practical Nurse: a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of these standards.

Facility: when used in this Part, means a Residential Rehabilitation Facility, as described in section 380.100 of this Part and licensed under this Part.

Financial Responsibility: sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time: on duty a minimum of thirty-six hours per week and a minimum of four days per week.

Goal: an expected result or condition that involves a specified period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Guardian: a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the "Probate Act of 1975" (Ill. Rev. Stat. 1987, ch. 110 1/2, par. 1-1 et seq.)

Health Services Supervisor: the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the nursing staff in the facility (See Section 360.250).

Hospitalization: the care and treatment of a person in a hospital as

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an in-patient.

Institutional Occupancy: Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Licensed Nursing Home Administrator: a person who is charged with the general administration and supervision of a facility and licensed under the "Nursing Home Administrators Licensing Act" (Ill. Rev. Stat. 1987, ch. 111, pars. 3601 et seq.) (See Section 360.230).

Licensed Practical Nurse: a person with a valid Illinois license to practice as a practical nurse under the "The Illinois Nursing Act" (Ill. Rev. Stat. 1987, ch. 111, par. 3401 et seq.)

Licensee: the person or entity licensed to operate the facility as provided under the Act.

Maintenance: food, shelter, and laundry services.

Maladaptive Behavior: impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner: a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Misappropriation of Property: using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Monitor: a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

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Neglect: a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition.

Normalization: the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse: a registered nurse or a licensed practical nurse as defined in "The Illinois Nursing Act" (Ill. Rev. Stat. 1987, ch. 111, par. 3401 et seq.)

Nursing Care: activities which carry out the diagnostic and medical plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Objective: an expected result or condition that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR): a person who is registered with the Department of Registration and Education as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant: a person who is registered with the Department of Registration and Education as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 11, par. 3701 et seq.).

Owner: the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act.

Person: any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal

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entity whatsoever.

Personal Care: assistance with meals, dressing, movement, bathing, or other personal needs, or general supervision and oversight of the physical and mental well-being of an individual, exclusive of nursing, who because of age, physical or mental disability, emotional or behavior disorder, or mental retardation is incapable of maintaining a private, independent residence, or who is incapable of managing his person whether or not a guardian has been appointed.

Pharmacist, Registered: a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4002 et seq.)

Physical Therapist: a person who is registered with the Department of Registration and Education as a physical therapist under the Illinois Physical Therapy License Act (Ill. Rev. Stat. 1987, ch. 111 par. 4201 et seq.)

Physical Therapy Assistant: a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physician: any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4401 et seq.)

Probationary License: an initial license issued for a period of one hundred twenty days during which time the Department will determine the qualifications of the applicant.

Psychiatrist: a physician who has had at least three (3) years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist: a person who is registered with the Illinois Department of Registration and Education to practice clinical psychology.

Qualified Professional: a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered,

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certified, or otherwise authorized to practice the profession by the State of Illinois, if required.

Reasonable visiting hours: any time between the hours of 10 A.M. and 8 P.M. daily.

Registered Nurse: a person with a valid Illinois registration to practice as a registered professional nurse.

Rehabilitation: an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social, or economic functioning.

Resident: person residing in and receiving personal care from a facility.

Resident Services Director: the individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in the facility (see Section 380.240).

Resident's Representative: a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed.

Room: a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Self Preservation: the ability to follow directions and/or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Social Worker, Qualified: a person who is licensed by the State of Illinois (registered or certified by the Department of Registration and Education); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and has one year of social work experience in a health care setting.

Sterilization: the act or process of destroying completely all forms of microbial life, including viruses.

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Story: that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern: any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

- an academic credit requirement in a high school or undergraduate institution, or
- immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment.

Supervision: authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity (see also the definition of "direct supervision").

Therapeutic Recreation Specialist: a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Transfer: a change in status of a resident's living arrangements from one facility to another facility.

Type A Violation: a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom.

Type B Violation: a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident.

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Universal Progress Notes: a common record with periodic narrative documentation by all persons involved in resident care.

Section 380.115 Incorporated and Referenced Materials

- a) The following regulations, standards, and statutes are incorporated or referenced in this Part:
 - 1) Private and professional association standards:
 - A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.
 - B) American National Standards Institute, Standard A17.1-84: Safety Code for Elevators and Escalators (1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
 - C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1977), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017.
 - D) The following standards of the American Society for Testing and Materials (ASTM):
 - 1) Standard No. E-84-1977A: Method of Test for Surface Burning Characteristics of Building Materials.
 - ii) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.
 - E) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1985) and the following additional standards, which may be obtained from National Fire Protection Association, Battery Park, Quincy, Massachusetts 02269:

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- i) No. 10 (1978): Standards for Portable Extinguishers
- ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
- iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
- iv) No. 70 (1981): National Electric Code
- v) No. 90A (1978): Installation of Air Conditioning and Ventilating Systems
- vi) No. 96 (1980): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
- vii) No. 220 (1979): Standards Types of Building Construction
- viii) No. 253 (1978): Flooring Radiant Heat Energy Test
- ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
- F) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
- G) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
- H) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
- I) Council on Social Work Education, Requirements for an Approved School of Social Work (1983), which may be

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obtained from the Council on Social Work Education, 111 Eighth Avenue, New York, New York 10011.

2) Federal statutes and regulations:

- A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
- B) Social Security Act (42 U.S.C. 301 et seq.)
- C) U.S. Public Health Service, Isolation Techniques for Use in Hospitals (1985).

3) State of Illinois Statutes:

- A) Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 3201 et seq.)
- B) Illinois Architecture Act (Ill. Rev. Stat. 1987, ch. 111, par. 1208 et seq.)
- C) Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.)
- D) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.)
- E) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.)
- F) Illinois Physical Therapy Act of 1985 (Ill. Rev. Stat. 1987, ch. 111, par. 4251 et seq.)
- G) Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.)
- H) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 1-100 et seq.)
- I) Nursing Home Administrators Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 3651 et seq.)
- J) Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq.)
- K) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987 ch. 111, par. 3701 et seq.)

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- L) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4121 et seq.)
- M) Probate Act of 1975 (Ill. Rev. Stat. 1987, ch. 110 1/2, par. 1-1 et seq.)
- N) Safety Glazing Materials Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 3101 et seq.)
- 4) State of Illinois rules:
 - A) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
 - B) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - C) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - D) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - E) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750)
 - F) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - G) Health Facilities Planning Board (77 Ill. Adm. Code 1100)
 - H) Department of Professional Regulation, Controlled Substance Act (77 Ill. Adm. Code 1650)
 - I) Department of Professional Regulation, Illinois Architecture Act (89 Ill. Adm. Code 150)

- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

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Section 380.120 Licensure Procedures

- a) Applications for initial licensure and for renewal of licenses under this Part shall be submitted in accordance with the procedures outlined in Sections 3-101 through 3-119 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-101 through 4153-119) and in the Department's rules located at 77 Ill. Adm. Code 300.100 through 300.310.
- b) The following licensure actions of the Department shall be taken in accordance with the procedures outlined in Sections 3-101 through 3-119 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-101 through 4153-119) and in the Department's rules located at 77 Ill. Adm. Code 300.100 through 300.310.
 - 1) Issuance of a probationary license.
 - 2) Issuance of an initial license.
 - 3) Renewal of a license.
 - 4) Denial of the renewal of a license.
 - 5) Issuance of a conditional license.
 - 6) Revocation of a license.

Section 380.130 Inspection, Violation, and Complaint Procedures

- a) Facilities shall be inspected by the Department in accordance with the procedures outlined in Sections 3-212 through 3-215 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-212 through 4153-215) and in the Department's rules located at 77 Ill. Adm. Code 300.100 through 300.310.
- b) Notice of violations of this Part shall be issued by the Department and may be appealed by the facility in accordance with the procedures outlined in Sections 3-301 through 3-320 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-301 through 4153-320) and in the Department's rules located at 77 Ill. Adm. Code 300.100 through 300.310.
- c) Penalties shall be assessed by the Department and may be appealed by the facility in accordance with the procedures outlined in Sections 3-301 through 3-320 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-301 through 4153-320) and in the Department's rules located at 77 Ill. Adm. Code 300.100 through 300.310.

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- at 77 Ill. Adm. Code 300.100 through 300.310.
- d) Monitors and receivers shall be placed in facilities by the Department in accordance with the procedures outlined in Sections 3-501 through 3-517 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-501 through 4153-517) and in the Department's rules located at 77 Ill. Adm. Code 300.100 through 300.310.
- e) Complaints shall be investigated by the Department in accordance with the procedures outlined in Sections 3-701 through 3-704 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-701 through 4153-704) and in the Department's rules located at 77 Ill. Adm. Code 300.3310.

Section 380.140 Waivers of Specific Requirements

- a) Waivers from the requirements of this Part shall be granted by the Department to individual facilities in accordance with the procedures and standards outlined in Section 3-303.1 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-303.1).
- b) Waivers from the requirements of this Part which have been granted to individual facilities shall be subject to review and renewal by the Department as provided in Section 3-303.1 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-303.1).

Section 380.150 Residents Rights

All residents shall be accorded the rights outlined in Sections 2-101 through 2-113 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4152-101 through 4152-113) and in the Department's rules located at 77 Ill. Adm. Code 300.3210 through 300.3290. These rights include:

- a) constitutional and legal rights,
- b) financial and personal property rights,
- c) confidentiality rights with regard to treatments and records,
- d) privacy rights,
- e) rights concerning freedom from improper restraints and confinements,
- f) rights concerning freedom from abuse and neglect.

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- g) communication and visitation rights.
- h) the right to religious freedom.
- i) rights with regard to access to the facility,
- j) the right to voluntarily leave the facility,
- k) the right to present grievances, and
- l) the right to refuse to perform labor for a facility.

Section 380.160 Residents' Advisory Council

- a) Each facility shall establish a residents' advisory council as required by Section 2-203 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4152-203). The council shall be established and shall function in accordance with the procedures outlined in the Department's rules at 77 Ill. Adm. Code 300.640.
- b) Each resident shall be accorded the right to participate in the residents' advisory council.

SUBPART B: ADMISSION AND DISCHARGE

Section 380.170 Admission Policies

- a) A Residential Rehabilitation Facility shall only admit chronically mentally ill persons. Such persons suffer certain mental or emotional disorders that erode or prevent the development of their functional capabilities in relation to such primary aspects of daily life as personal hygiene and self-care, self-direction, interpersonal relationships, social transactions, learning and recreation; and that erode or prevent the development of their economic self-sufficiency.
- b) No person shall be admitted to the facility:
 - 1) Who has been diagnosed as having significant medical and nursing care needs requiring the care of licensed personnel in a licensed skilled nursing or intermediate care facility. Refer to Appendix A of the Department's rules governing skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300) for a listing of services provided by these facilities.

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- 2) Who has been determined by professional evaluation to be in need of services, which are not readily available in the particular facility or through arrangement with a qualified outside resource.
- 3) Who has a principal diagnosis of developmental disability and who needs programming for such condition as described in the Department's rules governing intermediate care facilities for the developmentally disabled (77 Ill. Adm. Code 350).
- c) A facility shall not admit more residents than the number authorized by the license issued to it.

Section 380.180 Admission Examinations

- a) A physical examination report shall be completed for each newly admitted resident. This report shall identify the following information about the resident:
 - 1) Height.
 - 2) Weight.
 - 3) Diagnosis, including any allergies or chronic medical conditions.
 - 4) Recommendations for medical and personal care of the resident.
 - 5) Treatment orders, including any limitations on the resident's participation in psychosocial and activity programs.
 - 6) Presence or absence of tuberculosis infection, as documented by a tuberculin skin test conducted in accordance with the Department rules located at 77 Ill. Adm. Code 300.1025.
- b) An assessment of the mental status of each newly admitted resident shall be completed. The assessment shall include appropriate psychological, neurological, social, educational, and developmental evaluations. The assessment shall be conducted by professionals qualified to perform such assessments under the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 1-100 et seq.)
- c) Facilities admitting a resident who has had a physical examination or mental status assessment within thirty days prior to admission may obtain the above required information from the resident's most

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recently conducted physical examination or mental status assessment reports. Information not available through recent physical examinations or mental status assessments shall be obtained by the facility within seven days of admission.

- 4) Any specific medical orders which require additional care for individual residents.

Section 380.210 Personnel Policies

- d) Facilities admitting a resident for whom it cannot obtain a physical examination or mental status assessment which has been completed within thirty days prior to admission shall have the resident examined in order to determine the above required information within seven days of admission.

- a) Each facility shall develop and maintain written personnel policies and procedures which cover employee records, scheduling procedures and job assignments. These shall be followed in the operation of the facility.

b) Employee Records:

- 1) Employment application forms shall be completed for each employee and kept on file in the facility. They shall be available to Department personnel for review.
- 2) Individual personnel files for each employee shall contain date of employment, date of birth, home address, educational background, past experience including types of employment, where previously employed, type of position employed to fill in this facility, last day employed (if no longer in present facility) and reasons for leaving.
- 3) Individual personnel files for each employee shall also contain health records, including an initial health evaluation and tuberculin skin test which complies with the Department's rules located at 77 Ill. Adm. Code 300.655, and any other pertinent health records.
- 4) Individual personnel files for each employee shall also contain records of evaluation of performance.

SUBPART C: PERSONNEL

Section 380.200 General Staffing Requirements

- a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the needs of the residents. As a minimum, there shall be at least two staff members awake, dressed, and on duty at all times.
- b) The specific number and types of personnel to be provided shall be based on the following:
 - 1) Number of residents.
 - 2) Amount and kind of personal care, nursing care, supervision, and psychosocial programming needed to meet the particular needs of the residents.
 - 3) Size, physical condition, and the layout of the building including proximity of service areas to the resident's rooms.

- c) Personnel policies shall provide staff as required by the specific requirements of this Part.

- d) Each facility shall have a dated weekly employee time schedule available in a convenient place where employees may refer to it. This schedule shall contain each employee's name, job title, shift assignment, hours of work, and days off. The schedule shall be kept on file in the facility for one year after the week for which the schedule was used.

Section 380.220 Orientation and In-Service Education

- a) All new employees, including student interns, shall complete an orientation program covering, at a minimum, the following:

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- 1) general facility and resident orientation;
 - 2) job orientation emphasizing allowable and responsible duties of the new employee;
 - 3) resident safety, including fire and disaster, emergency care and basic resident safety; and
 - 4) understanding and communicating with the type of residents being cared for in the facility.
- b) Each employee, except student interns, shall attend in-service training programs pertaining to their assigned duties at least annually. These in-service training programs shall include material regarding the facility's policies, skill training and ongoing education carried out to enable all personnel to perform their duties effectively in response to resident needs.

Section 380.230 Administrator

- a) The facility shall be under the direct supervision of a full-time administrator who is licensed under the Nursing Home Administrators Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 3601 et seq.) The facility shall report any change in administrator to the Department no later than five days after the change.
- b) For a facility with 100 beds or fewer, the facility administrator may also serve as the resident services director required by Section 380.180.
- c) If the Residential Rehabilitation Facility is a distinct part of a skilled nursing or intermediate care facility licensed under 77 Ill. Adm. Code 300, or a distinct part of an intermediate care facility for the developmentally disabled licensed under 77 Ill. Adm. Code 350, then a separate administrator is not required for the Residential Rehabilitation Facility. However, the administrator of the skilled nursing or intermediate care facility cannot also serve as the resident services director for the Residential Rehabilitation Facility.
- d) The administrator shall designate in writing a person to act as emergency administrator in the administrator's absence. The person shall be at least 18 years of age and such administrative assignment shall not interfere with the person's responsibilities for resident

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care or supervision.

- e) If the facility has an assistant administrator, the facility shall notify the Department of the name, date of employment, and date of termination of the assistant administrator. Such notification is necessary to document service to qualify for a license under the Nursing Home Administrators Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 3601 et seq.)

Section 380.240 Resident Services Director

- a) Each facility shall have a full-time Resident Services Director who is assigned responsibility for the coordination and monitoring of the residents' psychosocial plan of care.
- b) The Resident Services Director shall meet both of the following qualifications:
 - 1) Be a licensed, registered, or certified psychiatrist, psychologist, social worker, rehabilitation counselor, occupational therapist, or psychiatric nurse.
 - 2) Have at least one year of experience with the chronically mentally ill.
- c) The Resident Services Director shall insure that each resident's plan of care is individualized, written in terms of short and long-range goals, understandable and implemented.
- d) The Resident Services Director shall insure that residents' needs are met through appropriate staff interventions and community resources; and residents are involved, whenever possible, in the preparation of their plan of care.
- e) The Resident Services Director cannot also function as the Health Services Supervisor.
- f) The Resident Services Director shall insure the availability of education and information for family members of residents.

Section 380.250 Health Services Supervisor

A supervisory nursing position shall be established titled Health Services

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Supervisor. This position shall not be included in the requirement for nursing staff coverage. The Health Services Supervisor must be a licensed nurse with at least one year experience working with the chronic mentally ill. The Health Services Supervisor shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week.

Section 380.260 Social Services Staff

- a) The facility shall provide a minimum of the equivalent of one full-time social services staff per 50 residents.
- b) Each social service staff person shall have at least a baccalaureate degree or its equivalent.
- c) At least one of the social services staff persons shall be a registered or certified social worker with at least one year of experience with the chronically mentally ill.

Section 380.270 Activity Staff

- a) The facility shall designate a full-time activity director who shall have primary responsibility for the planning and implementation of the facility's activity and recreational programs. The designated activity director shall have completed at least two years of college or have at least two years of experience in activity programs for the chronically mentally ill.
- b) In addition to the activity director, the facility shall provide a minimum of the equivalent of two full-time activity staff person per fifty residents to insure structured therapeutic and recreational programs. The activity staffing shall be scheduled during both day and evening hours seven days per week.
- c) If the activity director does not meet one of the following qualifications, the facility shall have a written contract with an individual who does meet one of the following qualifications for the provision of consultation to the activity director of not less than four hours each week. The contract shall require the provision of programming activities that are consistent with those described in Section 380.350.

- 1) A Registered Occupational Therapist or a Therapeutic Recreation Specialist with at least two years of experience in activity

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programming for the chronic mentally ill.

- 2) A person who has completed at least two years of college-level education with at least four years of experience in activity programming for the chronic mentally ill.

Section 380.280 Nursing Staff

- a) Adequate nursing personnel shall be provided to meet nursing needs of residents.
- b) Facilities with fifty beds or fewer shall have at least one licensed nurse (Licensed Practical Nurse or Registered Nurse) on duty during the hours from 7:00 A.M. to 11:00 P.M. During the hours from 11:00 P.M. to 7:00 A.M., the nurse may be on call as long as properly trained personnel are on duty to sufficiently care for the needs of the residents and satisfactory arrangements for emergency care are made.
- c) Facilities with more than fifty beds shall have at least one licensed nurse (Licensed Practical Nurse or Registered Nurse) on duty at all times.

Section 380.290 Psychosocial Program Assistant Staffing

- a) The facility shall employ adequate psychosocial program staff in order to provide residents with the necessary supervision and training skills needed.
- b) Psychosocial program assistants may provide direct assistance, supervision, and training of residents in self-care, social, community living or other skills or in behavior, stress and symptom management or other psychosocial services.
- c) The facility shall provide a minimum of the equivalent of four full-time psychosocial program assistants per fifty residents. The psychosocial program assistant staffing shall be scheduled during both day and evening hours seven days per week.

Section 380.300 Psychosocial Program Assistant Qualifications

- a) Persons employed as psychosocial program assistants shall comply with

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Section 380.300(a) (continued)

at least one of the following requirements within 45 days of initial employment:

- 1) Enroll in a Psychosocial Program Assistant Training Program which has been approved by the Department under its rules governing training programs for long-term care assistants and aides (77 Ill. Adm. Code 395). The program coursework shall be successfully completed by the psychosocial program assistant no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
 - 2) Register for the Department's psychosocial program assistant proficiency examination which must be completed no later than 120 days after the date of initial employment.
 - 3) Provide documentation of equivalent psychosocial program assistant training in accordance with Section 395.330 of the Department's rules governing training programs for long-term care assistants and aides (77 Ill. Adm. Code 395). Such documentation shall be retained by the facility as part of the employee's personnel record.
 - 4) Provide documentation of employment for at least one year in a direct care position in a licensed long-term care facility with a substantial population of chronic mentally ill residents. Such documentation shall be retained by the facility as part of the employee's personnel record.
- b) Each person employed by the facility as a psychosocial program assistant shall meet each of the following requirements:
- 1) Be at least sixteen years of age, of temperate habits and good moral character, honest, reliable and trustworthy.
 - 2) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents.
 - 3) Provide evidence of employment or occupation, if any, and residence for two years prior to initial employment as a psychosocial program assistant.
 - 4) Have completed at least eight years of grade school or provide

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proof of equivalent knowledge.

- c) The facility shall certify on a form provided by the Department that each psychosocial program assistant employed by the facility meets the requirements of this Section. Such form shall be retained by the facility as part of the employee's personnel record.

SUBPART D: SERVICES AND TREATMENT

Section 380.310 Individual Psychosocial Care Plan

- a) Within thirty days of admission, each resident shall have an individual psychosocial evaluation which shall provide the basis for prescribing a program of psychosocial rehabilitation, behavior management and skill training experiences for the resident.
- b) The provision of all resident services shall be implemented in accordance with an individual care plan that addresses all appropriate categories of care.
 - 1) The individual psychosocial care plan shall be developed by an interdisciplinary team composed of representatives of each professional discipline and service represented in a facility. The facility shall involve, or document attempts to involve, the resident in the development of the individual psychosocial care plan.
 - 2) The individual care plan shall contain written psychosocial objectives for each resident. These objectives shall be:
 - A) Based upon all diagnostic and prognostic data available regarding the resident, and
 - B) Stated in specific language that permits the progress of the resident to be assessed.
 - 3) The individual psychosocial care plan shall contain approaches for implementing the plan and designate which staff are responsible for implementing and monitoring the various elements of the plan.
 - 4) There shall be a formal, interdisciplinary review of each individual care plan no less than every three months to insure the continuing appropriateness of the care plan and to evaluate

Section 380.310(b)(4) (continued)

the resident's progress toward the stated objectives.

- c) Each resident's record shall document the resident's response to the approaches utilized in the individual care plan, any problems encountered in resident behavior, and the resident's progress toward overall achievement of objectives.

Section 380.320 Psychosocial Rehabilitation Services Program

- a) The facility shall develop and implement a psychosocial rehabilitation services program of activities designed to improve or maintain the adaptive functioning ability of the residents.
- b) The psychosocial rehabilitation services program shall be based upon each resident's functioning level and shall include the following activities, as appropriate for the resident:

1) Self-help skills training which shall address topics such as:

- A) personal care and hygiene.
- B) use of medication.
- C) money management.
- D) use of public transportation.
- E) use of community resources.
- F) stress management.
- G) mental health education.
- H) physical fitness.
- I) health maintenance.
- J) leisure time management.
- K) sensorimotor and perceptual skills, including sensory integration.

2) Behavior intervention training, which shall address topics such as:

Section 380.320(b)(2) (continued)

Section 380.320(b)(2) (continued)

- A) behavior and impulse control.
- B) behavior modification modalities.
- C) remotivation therapy.
- D) individual and group counseling.
- 3) Interpersonal relationship development, which shall address topics such as:
 - A) Social counseling.
 - B) Educational and recreational therapy.
 - C) Social and communication skills.
- 4) Prevocational preparation services, which shall address topics such as:
 - A) Vocational counseling.
 - B) Pre-vocational attitudes and behaviors.
 - C) Basic academic skills.
 - D) Resources for skill training.
- 5) Community Living Skills, which shall address topics such as:
 - A) Shopping.
 - B) Homemaking.
 - C) Transportation.
 - D) Obtaining Services.
 - E) Emergencies.
 - F) Obtaining Health Care.

- c) The facility's psychosocial rehabilitation services program shall be integrated with other services provided to residents by the facility in order to develop a cohesive approach to each resident's overall

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Section 380.320(c) (continued)

needs and a consistent plan of care.

- d) The facility shall have a written statement of philosophy regarding the provision of psychosocial rehabilitation services and training to residents. This written statement shall contain:

- 1) A description of each of the specific topics presented to residents as part of the psychosocial rehabilitation services program,
- 2) A description of the methods used to train facility staff in the provision of psychosocial rehabilitation services and training,
- 3) A description of the extent to which the facility utilizes resources outside the facility for referral or consultation services regarding the psychosocial rehabilitation services program,
- 4) A description of the methods by which the psychosocial rehabilitation services program is integrated with other services provided to residents by the facility, and
- 5) A description of the overall philosophy used to determine the appropriateness of the groups that were chosen, the techniques used, and the training topics that were selected.

Section 380.330 Consultation Services

- a) The facility shall enter into a contract with each consultant who is to provide services to the facility.

- 1) Each contract shall specify all services that are to be provided by the consultant.

- 2) Each contract shall be updated annually.

- b) Activity consultation shall be provided as required in Section 380.270(c).

- c) When the Health Services Supervisor does not have at least one year of psychiatric experience in a mental health setting, the facility shall have a written contract with a registered nurse who has at least one year of psychiatric experience in a mental health setting. The consultant nurse shall provide the Health Services Supervisor

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Section 380.330(c) (continued)

with a minimum of four hours of consultation each week in the facility. The consultant nurse shall assist with the development of policies, methods and procedures relative to the psychosocial aspects of the medical program, medication, and in-service training regarding medications and nursing care.

- d) The facility shall have at least one consultant who shall provide programming and individual care planning for residents with secondary diagnoses of alcohol or drug abuse. The consultant shall have at least one year experience in alcoholism and drug abuse programs. This consultant shall provide a minimum of four hours of alcohol and drug abuse consultation each week in the facility.
- e) The facility shall obtain consultation relative to the rehabilitation services as described in Section 380.420.
- f) The facility shall obtain the dental consultation services required in Section 380.410.
- g) The facility shall obtain the services of a consultant pharmacist as required by Sections 380.540, 380.550, and 380.570.

Section 380.340 Social Services

The facility's social services staff shall provide social services to residents.

- a) The social services staff shall participate in the development and implementation of the facility's psychosocial rehabilitation services program.

- b) The social services staff participate in the referral and linkage activities which are needed by residents, and shall assist in any discharge planning for residents.

- c) The social services staff shall assist in the psychosocial evaluation of newly admitted residents and shall participate in the continuing interdisciplinary review of each resident's individual psychosocial care plan.

- d) The social services staff shall be available to serve as liaison between the resident and the facility, the resident's family and the community.

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- 1) Social services shall be designed to help the facility staff to:
 - A) Understand the needs of each resident, the resident's family, and how the residents interact with their families,
 - B) Understand social factors in the resident's day-to-day behavior, and interactions between residents and staff, and
 - C) Assist any resident who is preparing to leave the facility with the changes in living situation that the resident is to experience.
- 2) Social services assistance shall be designed to help the resident's family develop constructive and meaningful ways to support the resident's experience in the Residential Rehabilitation facility through referral to additional sources of expertise and support regarding mental illness.
- e) The social services staff shall support the resident's experience in the facility through:
 - 1) Counseling, crisis intervention and conflict resolution in response to problems the resident may have with other residents, staff or family members,
 - 2) When appropriate due to pending resident relocation, encourage, assist and counsel in the planning and discharge process.

Section 380.350 Activities Programs

- a) The facility shall have a planned program of group and individual activities designed to encourage self care and maintenance of normal activity to meet each individual resident's socialization needs.
- b) There shall be written permission, with any contraindications noted, given by the resident's physician for the resident to participate in the activity program. Standing orders with individual contraindications noted may be used.
- c) The activity program shall include activities in each of the following areas:
 - 1) Recreational activities (examples: sports, active and quiet games, parties, outside entertainment and outings).

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- 2) Craft activities (for both men and women).
- 3) Service activities (examples: community fund drive assistance, projects for orphanages, and mutual support projects).
- 4) Intellectual, religious, and educational activities (examples: classes, planned group discussions, quizzes and word games, resident council, and newsletter production).
- 5) Community activities (examples: resident participation in community plays, church events, band concerts, and tours).
- d) A planned volunteer or auxiliary program that assists the activities program shall be encouraged. This program shall be directed by a supervisory employee.
- e) Documentation of the resident's response to the activities program shall be included in the resident's record.

Section 380.360 Resident Care and Personal Hygiene

- a) Resident care consists of the resident-oriented services and observations rendered by the resident care staff.
- b) Personal hygiene shall include training supervision, guidance, and (when necessary) assistance in the completion of personal care activities in order for each resident to function at that resident's maximum level in these activities. The facility shall document evidence of substantial efforts to obtain the following:
 - 1) clean, groomed hair
 - 2) trimmed fingernails and toenails
 - 3) clean skin, mouth and teeth
 - 4) freedom from offensive odors
- c) Each resident shall have at least one complete bath and hair wash weekly.
- d) Each resident shall be encouraged to be dressed in the resident's own clothing and shoes during day and evening hours. Prior to leaving the facility, residents shall be encouraged to wear clothing suitable

Section 380.360(d) (continued)

- e) Precautions shall be taken to assure the ongoing safety of the residents.
- f) Documentation of the resident's response to the resident care and personal hygiene activities shall be included in the resident's record.

Section 380.370 Medical Care Services

- a) The facility shall have and implement a written program of medical services which sets forth the following:
 - 1) The philosophy of care and policies and procedures for implementation.
 - 2) The responsibilities and functions of the advisory physician.
 - 3) The services provided by the facility.
 - 4) The facility's arrangements for medically necessary resident transfers.
 - 5) The facility's procedures for securing the cooperation of residents' personal physicians.
- b) The program of medical services shall be approved in writing by the advisory physician.

Section 380.380 Physician Services

- a) The facility shall have an advisory psychiatrist who shall be responsible for advising the administrator and the staff of the facility on the overall psychiatric management of the residents.
- b) Each resident shall be under the care of a psychiatrist. Residents in facilities operated under bona fide Christian Science auspices may be exempt from this requirement.
- c) A physician shall be available for the treatment and non-psychiatric medical management of the residents. All residents, or residents' guardians, shall be permitted their choice of physician.

Section 380.380 (continued)

- d) Each resident shall be seen by a physician or psychiatrist as often as necessary to insure adequate health care.
- e) Physician treatment plans, orders and similar documentation shall have an original written signature of the physician. A rubber stamp signature, with or without initials, is not sufficient.

Section 380.390 Nursing Care

- a) Nursing care shall include the following:
 - 1) Administration of medication and treatments as ordered by a physician.
 - 2) Objective observations of changes in a resident's medical condition. These observations shall be used as a means of analyzing and determining the extent of nursing care required and the need for further medical evaluation and treatment.
 - 3) Supervision of training to residents in self-administration of medication as ordered by a physician.
 - 4) Education of residents in health maintenance activities.
- b) Documentation of the resident's response to nursing care activities shall be included in the resident's record.

Section 380.400 Communicable Disease Policies

- a) The administrator shall assume the responsibility for meeting the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious or communicable diseases.
- b) No person diagnosed as having an active communicable, contagious, or infectious disease shall be knowingly admitted to the facility. An individual, when suspected or diagnosed as having any such disease after admission shall be placed in isolation in accordance with the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690). The person shall remain in isolation until removed from the facility or until the condition is no longer communicable, contagious, or infectious.

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- c) All illnesses required to be reported under the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690), shall be reported immediately to the local health department and to the Department. The administrator shall furnish all pertinent information relating to such occurrences.

Section 380.410 Dental Care Services

- a) Each facility shall have a dental program that provides in-service education to residents and staff. This education shall be provided at least annually, and shall be offered under the direction of dental personnel. Topics to be covered shall include:

- 1) Information regarding nutrition and diet control measures that are dental health oriented.
- 2) Instruction in proper oral hygiene methods.
- 3) Instruction concerning the importance of maintaining proper oral hygiene.

- b) The facility's dental program shall arrange for the provision of comprehensive dental treatment services for residents which shall include:

- 1) Routine dental examinations.
- 2) Emergency dental treatment by a dentist.
- c) Each facility shall establish a permanent full or partial denture marking system. Each denture wearer shall have his/her dentures marked within ten (10) days of admission, and shall have an individually marked denture cup for storage of dentures at night.

Section 380.420 Rehabilitation and Therapy Services

- a) When physical rehabilitation, occupational rehabilitation, or speech rehabilitation is ordered by a physician for a resident, the facility shall obtain the services, either directly or by contract, of a physical therapist, occupational therapist, or rehabilitation therapist who shall supervise the provision of the services designated by the physician.

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Section 380.420 (continued)

- b) When physical therapy, occupational therapy, or speech therapy is ordered by a physician for a resident, the facility shall obtain the services, either directly or by contract, of a physical therapist, occupational therapist, or rehabilitation therapist who shall provide the services designated by the physician.
- c) Any professionals who provide these services to a resident shall participate in the development of the resident's overall plan of care and shall assist with evaluation of the resident.
- d) Observations concerning the resident's response to rehabilitation and therapy services shall be made in the resident's record.

Section 380.430 Work Programs

- a) The facility shall make every attempt to provide at least one of the following work program arrangements:

- 1) A work program in the facility.
- 2) A workshop program in the facility.
- 3) A work adjustment program in the facility.
- 4) Demonstrated linkage with community-based vocational training programs.

- b) The facility shall assess the available work program resources, compare those programs with the needs of the individual residents and make placements or referrals as appropriate.

- c) Work programs affiliated with the facility shall be oriented toward increasing the adaptive functioning ability of the residents.

- d) Residents who have been determined by their physician to be eligible for participation in the work programs affiliated with the facility shall be encouraged to participate in those work programs.

- e) For residents who participate in work programs, each resident's record shall document the resident's response to participation in the work program.

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SUBPART E: EMERGENCIES

Section 380.440 Serious Incidents and Accidents

- a) The facility shall notify the Department of any serious incident or accident involving a resident. Incidents and accidents requiring the emergency services of a physician, hospital, police or fire department, coroner, or other provider of emergency services shall be reported to the Department..

- 1) Notification shall be made by a phone call to the regional office of the Department within twenty-four hours of each serious incident or accident.
- 2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.

- b) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurse's notes for each resident involved.
- c) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents.

Section 380.450 Medical Emergencies

- a) The facility shall develop policies and procedures to be followed during the various medical emergencies that may occur from time to time in the facility. These procedures which shall be reviewed by the advisory physician, shall cover medical emergencies such as poisoning, acute trauma (resulting from fractures, burns, or lacerations), respiratory failure, cardiac arrest, acute coronary, asthmatic or allergic reactions, acute convulsion, shock, diabetic coma, and insulin shock.

- b) The facility shall maintain equipment to be used during these emergencies. This equipment shall include at least the following items:

- 1) A portable oxygen kit, including a face mask or cannula.
- 2) An airway.
- 3) Tongue blades.
- 4) A first-aid kit or emergency box which shall contain supplies

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such as bandages, sterile gauze, dressing, bandage scissors, tape, sling and other materials deemed necessary by the advisory physician.

- c) At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures.
- d) The facility shall notify the resident's physician of any accident, injury or significant change in a resident's condition that threatens the health, safety or welfare of a resident. At the time of notification, the facility shall obtain and record the physician's plan of care for the care or treatment of the accident, injury or change in condition.

Section 380.460 Behavioral Emergencies and Restraints

- a) There shall be written policies which are followed in the operation of the facility regarding behavior emergencies and the use of restraints. Nursing, resident services and administrative personnel shall participate in the development of these policies. The advisory physician shall review the policies regarding behavior emergencies and the use of restraints.

- 1) The facility shall develop progressively restrictive levels of behavior intervention that create an incremental approach toward responding to various behavioral emergencies involving residents.
- 2) The facility shall respond to a given behavior emergency by using the least restrictive method possible that will protect the health and safety of the resident and other residents.
- 3) When a facility's response to a behavioral emergency does not utilize a lower level of intervention prior to instituting a higher level, the facility shall document in the resident's record why the more restrictive measures were used.
- b) The facility shall not confine a resident to a room in a manner that prohibits the resident from egressing from that room.
- c) When a disturbed or unmanageable resident is separated from the adverse stimuli related to the situation that is occurring, the facility shall record in the resident's record the events and the reasons for removing the resident from the situation.

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Section 380.460 (continued)

- d) Restraints shall be used only in an emergency and only upon a physician's order. Restraints may be applied only by personnel trained in proper application and observation of this equipment. Any application of restraints shall be consistent with Section 2-106 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4152-106) and Section 2-108 of the Mental Health and Developmental Disability Code (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 2-108).
- e) No resident shall wear restraints for more than two hours. If restraints appear to be necessary for a longer period of time, the facility shall take the following actions:
- 1) Release the restraints for a few minutes at the end of the two hour period, prior to the re-application of the devices pending resident transfer, and
 - 2) Make arrangements to have the resident transferred to a more restrictive health care facility capable of responding to the resident's behavior.
 - f) The resident's record shall contain documentation of the utilization and results of less restrictive interventions prior to the application of restraints.
 - g) The resident's record shall contain the reasons for ordering and using restraints. Records of residents who have been placed in restraints shall be evaluated to determine whether there are identifiable behavior patterns that can be modified to prevent further need for restraints.
 - h) No restraints with locks shall be used.

Section 380.470 Disaster Planning

- a) Each facility shall have policies covering disaster preparedness including a written plan for staff and residents to follow in case of fire, explosion, severe weather, and other hazardous circumstances or emergencies. The plan shall include, but is not limited to, the following:
 - 1) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers.
 - 2) A written plan of evacuation shall be posted, and made familiar

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- to all personnel employed on the premises.
- 3) Special provisions for the evacuation of physically handicapped residents, including deaf and blind residents. These special provisions may include the use of special equipment such as fire chutes and mattress loops with poles.
 - 4) Procedures for temporarily relocating the residents.
 - b) Fire and Disaster Drills
 - 1) Fire and disaster drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to:
 - A) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - B) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - C) Evaluate the effectiveness of disaster plans and procedures.
 - 2) Fire and disaster drills shall include simulation of evacuation of residents to safe areas during at least one drill each year on each shift.
 - 3) Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to insure the capability of evacuating the entire building with the personnel who are usually available.
 - 4) A written evaluation of each fire and disaster drill shall be prepared and reviewed by the facility administrator. The evaluation shall be maintained by the facility for three years.
 - c) Report of Emergency
 - 1) Upon the occurrence of any emergency or disaster requiring the services of a hospital, police department, fire department or coroner, the facility shall provide a preliminary report to the Department. The report shall be provided by phone as soon as practical, but no later than the next working day. The report may be provided either by utilizing the nursing home hotline at

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any time or by contacting the appropriate Department regional office during business hours.

2) This preliminary report shall include, at a minimum:

- A) Name and location of facility;
 - B) Type of emergency;
 - C) Number of injuries or deaths to residents;
 - D) Number of beds not usable due to the event;
 - E) Estimate of the extent of damages to the facility;
 - F) Type of assistance needed (if any); and
 - G) Other state or local agencies notified about the problem.
- 3) In addition to the preliminary report, the facility shall submit to the Department a full written account of the incident within seven days. The account shall include the information outlined in subsections (2)(A) through (G) of this Section and a description of the action taken by the facility in response to the incident.

d) Each facility shall establish a written plan for measures to protect the health, safety, welfare and comfort of all residents during hot and cold weather emergencies.

1) The plan shall include procedures for temporarily relocating the residents whenever the temperature in residents' bedrooms falls below fifty-five degrees Fahrenheit for twelve hours or more.

2) The measures described in the plan shall be implemented whenever the temperature and relative humidity inside the living, dining, activity, or sleeping areas of the facility are above (or equal to) the upper limit line or are below (or equal to) the lower limit line (the solid lines) of the chart entitled "Zones of Physiological Perception" which is displayed at 77 Ill. Adm. Code 300. Table D: Disaster Preparedness Parameters -- Relative Humidity and Temperature.

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SUBPART F: RECORDS

Section 380.480 Resident Record Requirements

a) Each facility shall have a medical record system that facilitates the retrieval of information regarding individual residents.

b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives.

c) Record entries shall meet the following requirements:

- 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded.
- 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry.

d) All physician's orders, plans of treatment, and similar documents shall have the original written signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable.

e) An on-going resident record indicating the resident's progression toward or regression from established goals shall be maintained.

1) The progress record shall indicate significant changes in the resident's condition, actions, response, attitude, appetite, and related factors. Any significant change shall be recorded by the appropriate staff upon occurrence. If no significant changes are noted for a month, an entry shall be made in the record of that fact.

2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or rehabilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident.

f) A medication administration record shall be maintained which contains the date and time each medication is given, name of drug, dosage, and by whom administered.

g) Treatment sheets shall be maintained recording all resident care

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procedures ordered by each resident's attending physician. Physician ordered procedures which shall be recorded include, but are not limited to, weight monitoring to determine a resident's weight loss or gain, blood pressure monitoring, and fluid intake and output.

- h) The facility shall have the option of using universal progress notes in the medical records.
- i) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period.
- j) Discharge information shall be completed within forty-eight hours after the resident leaves the facility. This shall indicate the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, or undertaker). This information may be entered on the admission record form.

Section 380.490 Content of Medical Records

- a) At the time of admission, the facility shall enter the following information regarding each resident onto the identification sheet or admission sheet for each resident:

- 1) Name, sex, date of birth and Social Security Number,
- 2) Marital status, and the name of the resident's spouse, if there is one,
- 3) Whether the resident has been previously admitted to the facility,
- 4) Date of current admission to the facility,
- 5) State or country of birth,
- 6) Home address,
- 7) Religious affiliation (if any),
- 8) Name, address and telephone number of any referral agency, state hospital, zone center or hospital from which the resident has been transferred (if applicable).

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- 9) Name and telephone number of the resident's personal physician,
- 10) Name and telephone number of the resident's next of kin or responsible relative, or guardian,
- 11) Race and origin,
- 12) Most recent occupation,
- 13) Whether the resident or the resident's spouse is a veteran,
- 14) Father's name and mother's maiden name,
- 15) Name, address, and telephone number of the resident's dentist.
- 16) The diagnosis applicable at the time of admission.
- b) At the time of admission, the facility shall obtain a history of prescription and non-prescription medications taken by the resident during the thirty days prior to admission to the facility (if available).
- c) In addition to the information that is specified above, each resident's medical record shall contain the following:
 - 1) Medical history and physical examination form that includes conditions for which medications have been prescribed, physician findings, all known diagnoses and rehabilitation potential. This shall describe those known conditions that the medical and resident care staff should be apprised of regarding the resident.
 - 2) A physician's order sheet that includes orders for all medications, treatments, therapy and rehabilitation services, diet, activities and special procedures or orders required for the safety and well-being of the resident.
 - 3) Nurse's notes that describe the nursing care provided, observations and assessment of medical symptoms, reactions to treatments and medications.
 - 4) An ongoing record of notations describing significant observations or developments regarding each resident's condition and responses to treatments and programs.
 - A) Physicians and other consultants who provide direct

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Section 380.490(c)(4)(A) (continued)

treatment to residents shall make notations at the time of each visit with a resident.

B) Significant observations regarding resident responses to activity programs, social services, dietary services and work programs shall be recorded as they are noted, but not less than quarterly.

C) Significant observations regarding resident responses to nursing and personal care shall be recorded as they are noted, but not less than monthly.

6) Any laboratory and x-ray reports ordered by the resident's physician.

7) Documentation of visits to the resident by a physician, and to the physician's office by the resident. The physician shall record, or dictate and sign, the results of such visits (i.e., changes in medication, observations/recommendations made by the physician during the visits) in the record.

8) The results of the physical examination conducted pursuant to Section 380.180 of this Part.

9) Upon admission from a hospital or state facility, a hospital summary sheet or transfer form that includes the hospital diagnosis and treatment and a discharge summary. This transfer information, which may be included in the transfer agreement, shall be signed by the physician who attended the resident while in the hospital.

Section 380.495 Confidentiality of Resident Records

a) All information contained in a resident's record, including information contained in an automated data bank, shall be considered confidential. Access to these records shall be permitted to the appropriate State and federal agencies.

b) Resident records are the property of the facility, and the facility shall be responsible for securing the information against loss, defacement, tampering or use by unauthorized persons.

c) The facility shall have written policies governing access to, duplication of and dissemination of information from the record.

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d) Written consent of the resident, if competent, or the resident's guardian, shall be required for the release of medical record information to persons not otherwise authorized to receive the information by the facility's policies.

Section 380.500 Records Pertaining to Residents' Property

a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record.

b) When purchases are made for a resident from the resident's personal monies, receipts shall be obtained and retained that verify the date, amount, and items purchased.

c) A separate bookkeeping system shall be maintained by the facility which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account.

Section 380.510 Retention and Transfer of Resident Records

a) After death or discharge of a resident, the resident's record shall be placed in an inactive file and retained for a minimum of five years. It is suggested that the administrator check with legal counsel regarding the advisability of retaining records for a longer period of time, and the procedures to be followed in the event the facility ceases operation.

b) When a resident is transferred to another facility, the transferring facility shall send with the resident a reason for transfer, summary of treatment and results, laboratory findings, and orders for the immediate care of the resident. This information may be presented in a transfer form or an abstract of the resident's medical record.

Section 380.520 Other Resident Record Requirements

This Section contains references to statutory requirements and rules located in other Sections of this Part which pertain to the content and maintenance of

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Section 380.520 (continued)

medical records.

- a) The resident's record shall include facts involved if the resident's discharge occurs despite medical advice to the contrary, as required by Section 380.190(b) of this Part.
- b) The resident's record shall contain the physician's permission, with contraindications noted, for participation in the activity program, as required by Section 380.350(b) of this Part.
- c) The records of residents participating in work programs shall document the appropriateness of the program for the resident and the resident's response to the program, as described in Section 380.430(e) of this Part.
- d) The resident's record shall include information regarding the physician's notification and response regarding any serious accident, injury or significant change in condition, as required by Section 380.450(d) of this Part.
- e) The resident's record shall identify the reasons for any order and use of restraints, as required by Section 380.460 of this Part.
- f) The resident's medical record shall include notations indicating any release of medications to the resident or person responsible for the resident's care, as described in Section 380.550(d) of this Part.
- g) Instances of inability to implement a physician's medication order shall be noted in the resident's medical record, as described in Section 380.560(a) of this Part.
- h) Medication errors and drug reactions shall be noted in the resident's medical record as described in Section 380.560(a) of this Part.
- i) Telephone orders shall be transcribed into the resident's medical record or onto a telephone order form and then signed by the nurse taking the order, as described in Section 380.560(b) of this Part.
- j) Documentation of the drug regimen review shall be entered in to the resident's medical record as described in Section 380.570(f) of this Part.
- k) The resident's record shall include the physician's diet order and observations of the resident's response to the diet, as described in Section 380.620(a) of this Part.

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- l) Residents record shall contain any physician determinations that limit their access to their personal property, as described in Section 2-103 of the Act.
 - m) The facility shall permit each resident, resident's parent, guardian or representative to inspect and copy the resident's medical records as provided by Section 2-104(e) of the Act.
 - n) The facility shall comply with Section 2-108(e) of the Act, which requires that any medical inadvisability regarding married residents residing in the same room be documented in the resident's record.
 - o) Any resident transfer or discharge mandated by the physical safety of other residents shall be documented in the resident's medical record as required by Section 3-408 of the Act.
 - p) Summaries of discussions and explanations of any planned involuntary transfers or discharges shall be included in the medical record of the resident that is to be involuntarily transferred or discharged, as described in Section 3-408 of the Act.
- Section 380.530 Other Facility Record Requirements
- a) The facility shall maintain a file of reports of findings and recommendations from consultants. Each report shall be dated and indicate the specific date(s) and time(s) the consultant was in the facility.
 - b) The facility shall complete the Illinois Department of Public Health Annual Long Term Care (LTC) Facility Survey.
 - c) The facility shall maintain a permanent chronological resident registry showing date of admission, name of resident and date of discharge or death.
 - d) The facility shall make available to the Department upon request copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation.
 - e) The facility shall retain the following records for a minimum of three years. It is suggested that the administrator check with legal counsel regarding the advisability of retaining records for a longer period of time, and the procedures to be followed in the event the facility ceases operation:

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Section 380.530(e) (continued)

- 1) The annual financial statement described in Section 3-208 of the Act.
 - 2) The minutes of resident advisory council meetings required by Section 300.640 of the Department's rules at 77 Ill. Adm. Code 300.
 - 3) The records of in-service training required by Section 380.220 of this Part.
 - 4) Copies of reports of serious incidents or accidents involving residents required by Section 380.440(c) of this Part.
 - 5) The reports of findings and recommendations from consultants required in Section 380.530(a) of this Part.
 - 6) Copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation as required by Section 380.530(d) of this Part.
 - 7) Records of the emergency medication kit review by the pharmacist required by Section 380.590(a) of this Part.
- f) Statutory requirements and rules located in other Subparts that pertain to the content and maintenance of facility records are as follows:
- 1) The facility shall file an annual financial statement as described in Section 3-208 of the Act.
 - 2) Records and daily time schedules shall be kept on each employee as set forth in Section 380.210 of this Part.
 - 3) The facility shall maintain a file of all reports of serious incidents or accidents involving residents as required by Section 380.440(c) of this Part.
 - 4) The facility shall maintain a controlled substances record as described in Section 380.560(g) of this Part.
 - 5) Menu and food purchase records shall be maintained as set forth in Section 380.670(f) of this Part.

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SUBPART G: MEDICATIONS

Section 380.540 Self-Administration and Maintenance of Medications

a) Policies and Procedures

- 1) Each facility shall develop and implement written policies and procedures concerning resident training in preventive health, self-administration of medication, and maintenance and storage of medication. These policies and procedures shall be designed to encourage all residents to participate in their total health care to the fullest extent possible and to attain the highest possible level of independent functioning.
- 2) These policies and procedures shall be developed with consultation from a registered professional nurse and a registered pharmacist.
- 3) The policies of the facility shall include a procedure for responding to a resident's mishandling of medications or error in self-administration of medications.

b) Self-Administration of Medication

- 1) Self-administration of medication by residents shall be encouraged. A written order by the resident's physician for self-administration shall be obtained prior to the initiation of self-administration of medication by a resident.
 - 2) A copy of the description required under subsection (a)(3) of this Section shall be provided to the resident and to the attending physician.
 - 3) Self-administered medications shall be exempt from the recording and charting requirements of Section 380.560(a) of this Part.
- c) Maintenance and Storage of Medications
- 1) Residents shall be permitted to maintain and store their own individual medications upon the written order of the resident's physician.
 - 2) A copy of the description required under subsection (a)(3) of this Section shall be provided to the resident and attending physician.
 - 3) Such medications shall be exempt from the storage requirements

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Section 380.540(c)(3) (continued)

Section 380.550 (continued)

of Section 380.560(c) of this Part.

- 4) Such medications shall be kept in a locked container, drawer, cabinet, or other area which is not accessible to other residents. Such medications may be stored along with other possessions of the resident.

d) Evaluation of Resident Capabilities

- 1) Each resident shall be evaluated by the facility's interdisciplinary team to assess the resident's capability for the self-administration of medication and for the maintenance and storage of medications.
- 2) The written results of the assessment shall be sent to the resident's physician.
- 3) When the assessment indicates that a resident needs training in self-administration or in the maintenance and storage of medications, the interdisciplinary team shall develop written objectives for such training. The objectives shall be stated in specific behavioral terms that permit the progress of the resident to be assessed and recorded.

Section 380.550 Medications: Administrative Responsibilities

a) Written Policies and Procedures

- 1) Each facility shall adopt written policies and procedures for properly and promptly obtaining, dispensing, administering, charting, storing and disposing of drugs and medications. These policies and procedures shall be in compliance with all applicable provisions of this Part and applicable Federal, State and local laws and regulations.
- 2) The facility administrator and the Health Services Supervisor shall be responsible for the development of these policies and procedures. These policies and procedures shall be developed with the advice of at least one Illinois licensed pharmacist and one Illinois licensed physician. These policies and procedures shall be reviewed at least annually by these professionals. Documentation of this annual review of these policies and procedures shall be maintained by the facility.

- b) Permission must be obtained from the Department prior to the opening of any on-premises pharmacy in a facility. Such permission will be granted only if it can be shown that the operation of the pharmacy will not interfere in any way with the care of the residents. The facility shall then obtain a Division III license to operate the pharmacy in accordance with the rules and regulations of the Illinois Department of Registration and Education. The facility shall provide access to any on-premises pharmacy to the surveyor.

- c) The facility's policies shall specify the manner in which any medication order not specifically limiting the time or number of doses shall be automatically stopped.

- d) The facility policies shall require that a physician approve all medications to be released to the resident, or person responsible for the care of the resident, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time (such as when attending a vocational training program or on a weekend pass). The policies shall also specify the manner in which the disposition of these medications shall be made on the resident's record.

- e) The facility shall make available at all times at least one current medication reference in the facility. This reference may be the current, updated edition of the "United States Pharmacopeia Dispensing Information (USPDI)," "Facts and Comparisons," "American Society of Hospital Pharmacists Hospital Formulary Service (Drug Information)," "Physician's Desk Reference" or other similar reference.

- f) The facility, or the Department, may require that any medications shall be subject to inventory record requirements, when a lack of medication control has been demonstrated in the facility. If the Department imposes such a requirement, it shall do so in writing stating the name of the drugs involved, the reasons for the imposition of such controls, and the period during which such controls will be imposed.

g) Emergency Kit Medications

- 1) A proof-of-use sheet providing for notation of resident name, prescribing practitioner, name and dose of medication, route of administration, date and time of administration, signature of person administering the dose shall be stored with each separate Schedule II controlled substance. Entries shall be made on the

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Section 380.550(g)(1) (continued)

proof-of-use sheet by the nursing staff or practitioner when any Schedule II controlled substance from the kit is used. The facility shall maintain a copy of all completed proof-of-use sheets for two years.

- 2) Failure to comply with any provision of this rule, or any applicable provision of state or federal statutes or regulations pertaining to controlled substances shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until such time as the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines or other penalties.
- h) Documentation of the hours of consultant pharmacist's time spent performing a review of medication orders and of the results of these drug regimen reviews shall be maintained by the facility. This record may or may not be a part of the resident's record depending on the policy of the facility. The method of documentation of drug regimen reviews shall be fully described in the facility's policies and procedures.

Section 380.560 Medications: Nursing Responsibilities

a) Administration of Medications

- 1) All medications shall be administered only by licensed medical or licensed nursing personnel in accordance with their respective licensing requirements. It is required that all licensed nurses successfully complete a course in pharmacology or have at least one year's full-time equivalent experience in administering medications in a health care setting, if their duties include administering medications to residents.
- 2) All medications administered shall be charted in the medication administration record at the time of administration and before administration of any medication to another resident. The administration of each dose, and of any resident refusal, shall be recorded on this sheet by the person administering medication.
- 3) Facilities utilizing electronic methods of medication administration charting which are updated at the completion of a medication administration pass shall employ an intermediate documentation system with which the nurse shall document all

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Section 380.560(a)(3) (continued)

doses administered to one resident prior to the administration of any doses to another resident. This intermediate documentation system may be used to enter data into the electronic charting system and need not be retained by the facility after the electronic system has been updated.

- 4) Medications shall be administered as soon as possible after doses are prepared and administered to the patient by the same person who prepared the doses for administration. A facility may prepare medications for administration no earlier than one hour before the start of a medication pass. Medications shall be administered in a method designed to minimize direct handling of the dosage form.
 - 5) The medication records of the facility shall be checked against the physician's orders to assure proper administration of medicine to each resident. Such records as computer generated medication sheets may be used. Medication records shall include or be accompanied by recent photographs (not older than two years) or other means of easy identification such as resident identification wristbands. Medication records shall contain the resident's name, diagnoses, known allergies, current medications, routes of administration (if not by oral route).
 - 6) If for any reason, a physician's medication order cannot be followed, the physician shall be notified as soon as is reasonable, depending upon the situation, and a notation made on the resident's record.
 - 7) No medication shall be administered to a resident after one year from the date the medication was dispensed to the facility.
 - 8) Significant medication errors and serious drug reactions shall be immediately reported to the resident's physician and the pharmacist. Less significant medication errors and less serious drug reactions shall be reported as soon as practicable. An entry thereof shall be made in the resident's clinical record and the medication error or drug reaction shall also be described in an incident report.
- b) Orders for Medications
- 1) All medications, including cathartics, headache remedies, or vitamins, shall be given only upon the written or oral order of a physician. All such orders shall have the original,

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Section 380.560(b)(1) (continued)

handwritten signature of the physician. Rubber stamped and photocopied signatures are not acceptable. An original direct copy of physician signed hospital transfer medication orders will be acceptable, provided that they are verified within seventy-two hours of receipt.

- 2) Standing orders for medications and treatments involving medications shall be modified to reflect any individual patient needs and must have an original, handwritten signature by the physician when they are initially authorized and shall be reauthorized in the same manner as all other medications. The facility shall notify the prescribing physician when any standing order medication is used for a resident. A telephone order or some other appropriate medication order form shall be signed by the nurse implementing the order at the time of initiation and countersigned by the physician within five working days. These medications shall be given in the manner and at the time prescribed by the physician.

- 3) The resident's attending physician shall be notified by the facility of medications about to be stopped in accordance with the stop-order policy so that he may promptly renew such orders to avoid interruption of the resident's therapeutic regimen.

- 4) Telephone orders and physicians' verbal orders may be taken by a registered nurse, licensed practical nurse, registered pharmacist, dietitian, or therapist. All such orders shall be immediately written on the resident's clinical record, or on a telephone order form which is to be immediately transcribed to the resident's record and signed by the individual taking the order at the facility. These orders shall be countersigned by the physician within five working days.

- 5) Medications prescribed for one resident shall not be administered to another resident.

c) Storage of Medications

- 1) Self-administration of medication, retention of medications by a resident, or both shall be permitted upon the written order of the attending physician. Such medications shall be kept in a locked container, drawer, cabinet, or other area which is not accessible to other residents.

- 2) Except for medications covered by Section 380.540(b) of this

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Section 380.560(c)(2) (continued)

Part, all medications for all residents (including convenience box medications and treatment cart medications) shall be stored either in a locked cabinet, a locked medication room, or a locked mobile medication carts.

- A) These cabinets, rooms, and carts shall be well lighted and of sufficient size to permit storage without crowding.

- B) All mobile medication carts shall be under the visual control of the responsible nurse when in use.

- 3) All medications for external use shall be kept in a separate area in the medicine cabinet, medicine room, or mobile medication cart.

- 4) All poisonous substances and other hazardous compounds, such as sterilization solutions, antiseptics, poisonous diagnostic reagents, and similar materials, shall be kept in a separate locked container away from medications.

- 5) Biologicals or medications requiring refrigeration shall be kept either in a separate, securely fastened locked box within a refrigerator or a locked refrigerator, or in a refrigerator within a locked room.

- 6) The key to the medicine cabinet, medicine room and mobile medication cart shall at all times be the responsibility of, and in the possession of, persons authorized to dispense or administer medications.

- d) The facility shall have all necessary items clean and readily available for the proper administration of medications. Oral syringes used to directly administer medications which come in contact with mucosal surfaces shall either be disposed of after their single use or washed, rinsed and sanitized after each use. Syringes which do not come in contact with mucosal surfaces shall be rinsed after each use.

- e) Labelling and Relabelling of Medications

- 1) The medications of each resident shall be kept and stored in their originally received containers. Medications may only be transferred between containers by a licensed nurse or pharmacist and only under the following conditions:

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Section 380.560(e)(1) (continued)

- A) When necessitated by a change in a medication's directions for use.
 - B) When necessary to prepare medications for use in a resident's medication administration and handling training program as outlined in Section 380.540 of this Part.
 - C) When medications are sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication, such as when the resident is on a home visit or away from the facility for employment, workshop, or educational activities. When medication is sent out of the facility with the resident, it shall be labeled by the pharmacist or nurse with the name of the resident, name of the medication, quantity, instructions for taking and any other appropriate information. The nurse shall note in the resident's record the number of doses leaving and returning with the resident, but shall not chart such doses as having been actually administered.
 - 2) The facility shall affix labels bearing the resident's name to containers of non-legend medications supplied by the resident or resident's family. In no instance may such labels obscure the original labeling noting the package contents, drug name, directions for use, lot number and expiration date.
 - 3) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels, or unlabelled containers shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabelling or disposal.
- f) Disposal of Medications
- 1) All discontinued medications, refused medications, or those having an expiration date that has passed, and all medications of residents who have been discharged or who have expired, shall be destroyed or disposed of in accordance with the written policies and procedures that have been established by the facility in accordance with Section 380.470 of this Part.
 - 2) This subsection shall not apply to the medications of residents who have been temporarily transferred to a hospital or who are on a temporary home visit. In accordance with the policies and procedures of the facility, medications for such persons may be kept in the facility until such time as the resident expires or

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Section 380.560(f)(2) (continued)

is discharged from the facility.

- g) Controlled Substances
- 1) All Schedule II controlled substances, including those designated for use in an emergency kit, shall be stored in such a manner so that two separate locks, using two different keys or combination codes, must be unlocked to obtain these substances. This may be accomplished by several methods such as locked cabinets within locked medicine rooms, separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet, locked portable medication carts, which are stored in locked medicine rooms when not in use, or portable medication carts containing a separate locked area within the locked medication cart.
 - 2) For all Schedule II substances dispensed for a resident, a controlled substances record shall be maintained which lists on separate sheets, for each type and strength of Schedule II substance, the following information: name of resident, physician's name, name of drug, strength of drug, original quantity of drug received, dose, date and time of administration, signature of person administering dose, and number of doses remaining and wasted. These records shall be retained by the facility for a period of two years and be available upon request.
- h) Whenever the emergency medication kit is opened, the pharmacist shall be notified within 24 hours. During any period when the Schedule II portion of the kit is opened, a shift count shall be done on all Schedule II controlled substances until the kit is closed or locked. Shift counts are not mandatory when the kit is sealed. Proper forms for shift counts shall be kept with these portions of emergency medication kits.
- i) The facility shall comply with all Federal and State laws and regulations relating to the procurement, storage, dispensing, administration, and disposal of medications.
- Section 380.570 Pharmacy Responsibilities
- a) Any off-premises pharmacy servicing a facility shall have a Division II pharmacy license issued by the Department of Registration and Education.

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Section 380.570 (continued)

- b) All legend medications (drugs which require a prescription under federal law) maintained in the facility shall be dispensed pursuant to an individual prescription or dispensed from the physician's personal office supply (including professional samples) and shall be properly labeled. Physicians who supply medication from their personal office supply must comply with the requirements of Section 33 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-33).
- c) The staff pharmacist or consultant pharmacist shall participate in the planned in-service education program for nursing staff of the facility on topics related to pharmaceutical service at least twice each calendar year.
- d) No facility shall maintain a stock supply of controlled drugs or legend drugs, except for tetanus toxoid, tuberculin purified protein derivative, flu vaccine, large volume parenterals, medication for scabies and lice, irrigation solutions, and those items in the emergency medication kits and convenience boxes.
- e) A facility may stock only over-the-counter (OTC) drugs which are regularly available without prescription, such as, but not limited to: noncontrolled cough syrups, laxatives, antacids, vitamins and analgesics. Facility stock need not bear any labeling specifically identifying such products as stock items. OTC insulin products may not be part of a facility's stock. Stock medications shall be given to a resident only upon the written or oral order of the physician, dentist, or podiatrist. These medications shall be administered from the original containers or from containers packaged only by the pharmacy for use as facility stock which include the name of the product, dosage form, strength, total quantity, lot number, date of repackaging, and expiration date, not to exceed one year from the date of repackaging. Such repackaged containers shall not be refilled or reused. All stock medications administered shall be recorded in the resident's clinical record.

f) Drug Regimen Review

- 1) The staff pharmacist or consultant pharmacist shall review the medical record, including, but not limited to: physician orders, laboratory test results, medication administration records, nurses' notes, progress reports and dietary reports, at least once every two months.
- 2) The pharmacist, based on clinical experience and judgment,

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Section 380.570(f)(2) (continued)

- shall identify from the review are problems or apparent irregularities which would cause potential adverse reactions, allergies, contraindications, or ineffectiveness. This review shall be done at the facility.
- 3) The record of the drug regimen review must identify each patient and indicate whether any of the following circumstances exist:
- A) If no potential problems are found by the pharmacist, a signed and dated statement to this effect shall be included in the drug review record.
 - B) If a potential problem is found and the pharmacist deems it not significant, then he or she must include a signed and dated statement in the record which describes the situation.
 - C) If a potential problem is found and the pharmacist considers it significant, he or she must include a signed or dated statement in the record describing the situation and indicating the identity of the individual(s) with authority to correct the situation with whom he or she has communicated about the problem and noting when such communication occurred.
 - 4) The pharmacist need not continuously document an identification and notification every month, even if an apparent irregularity continues, provided that the apparent irregularity has been deemed insignificant by the pharmacist or it has been deemed significant, but the recommendation to correct has been rejected by the individual having authority to correct the irregularity. Under these circumstances, the pharmacist may document that they have identified an apparent irregularity and notified a person having authority to correct the potential problem on an annual basis. This documentation should appear in whatever record the facility decides to use for documenting drug regimen reviews.
 - g) All medications should be available for administration to the patient within twenty-four hours of communication of the medication order to the pharmacy. Extenuating circumstances for failure to comply with this provision shall be documented.
 - h) Labelling of Medications
 - 1) All medications for all residents, including convenience box medications and treatment cart medications, shall be properly

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labeled by the issuing pharmacy. Convenience box medications shall be labeled with the drug name, strength, quantity or contents delivered, lot or control number, and expiration date, if applicable.

- 2) The label of each individual multi-dose medication container dispensed by a pharmacist shall clearly indicate the resident's full name, physician's name, drug name, strength and quantity of drug, directions for use, date this container was last filled, the initials of the pharmacist dispensing the prescription, the identity of the pharmacy, and any necessary special instructions. If the individual multi-dose medication container is dispensed by a physician from his own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy and pharmacist. If the directions for use of a medication are changed, the dispensing pharmacist shall prepare a new label clearly stating the revised directions for use. The revised label may be affixed to the original medication container by any licensed nurse, pharmacist or physician.

- 3) Multi-dose containers designed for single unit dispensing shall include on their labels the name of the resident, drug name and strength, quantity of drug, directions for use, physician's name, pharmacy name, and any other necessary special instructions. The pharmacist shall be able to provide written verification of the date the medications were dispensed and the initials of the pharmacist who reviewed and verified the medications on hand. The lot or control number need not appear on such multi-dose containers designed for single unit dispensing if the pharmacy has a system for identifying those doses recalled by a manufacturer distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer distributor's specifically recalled lot.

- 4) Each single unit and or unit dose package shall bear either the proprietary or nonproprietary name of the drug, or both, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the right resident. Appropriate accessory and cautionary statement and any necessary special instruction shall be included, as

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applicable. The pharmacist shall be able to provide written verification of the date the medications were dispensed and the initials of the pharmacist who reviewed and verified the medications on hand. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer's distributor's specifically recalled lot. No product may be returned to a pharmacy's stock for reuse by another patient unless it complies with all applicable Federal and State laws and regulations and is identified with the lot or control number and expiration date, if applicable, as noted on the manufacturer or distributor's original container. No medication container which comes in physical contact with a medication, which is dispensed to one resident, may be reused for another resident.

Section 380.580 Convenience Box Medications

- a) A facility may maintain convenience boxes only in accordance with the following requirements.
- b) There shall be no more than six single doses of any one medication (other than oral antibiotics) for each one hundred licensed beds or portion thereof. There shall be no more than twelve doses of any one oral antiinfective for each one hundred licensed beds or portion thereof. Each separate strength or dosage form shall be considered a separate medication. For example, a facility of less than one hundred licensed beds may have six doses of a non-oral antiinfective medication or twelve doses of a non-oral antiinfective medication in any particular dosage form or strength; a facility of between one hundred and two hundred licensed beds may have twelve doses of a non-oral antiinfective medication and twenty-four doses of an oral antiinfective medication in any particular dosage form or strength. A dose shall be that amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" of a non-oral antiinfective is two units, the facility may keep twelve units for each one hundred licensed beds or portion thereof in the convenience box.
- c) The contents and number of convenience boxes shall be determined by

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the facility administrator with the advice of the consultant pharmacist and physician. The contents of all convenience boxes shall be reviewed at least annually by the consultant pharmacist and physician. Written documentation of this review shall be maintained by the facility.

- d) There shall be a label on the outside of each box, listing the contents and quantity of items. Expiration dates need not be noted on the outside labels of each box. The aggregate number of doses in all of the convenience boxes shall not exceed the amounts outlined in subsection (d) of this Section.
- e) Each convenience box and its contents shall be the property of the pharmacy which supplies the contents of the box, and it shall be kept in either a locked medicine room, locked cabinet, cabinet within a locked room or within a locked mobile medication cart. The pharmacist shall check the contents of the "convenience boxes" at least quarterly and retain documentation of such inspections which shall be provided to the surveyor upon request.
- f) The facility shall demonstrate a system of medication accountability and documentation for each dose used from the convenience box.
- g) No Schedule II substances shall be kept in convenience boxes.

Section 380.590 Emergency Kit Requirements

a) General Requirements

- 1) Emergency kits shall be maintained and be available for immediate use at all times in the facility in accordance with the following requirements.
- 2) The contents and number of emergency kits shall be determined by the facility administrator with the advice of the consultant pharmacist and physician. The contents of all emergency kits shall be reviewed at least quarterly by the consultant pharmacist and physician. Written documentation of this review shall be maintained by the facility.
- 3) In order to provide better security for the contents of these kits, a non-reusable, tamper-evident seal or lock shall be placed on each kit.

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- 4) Emergency kits shall consist of no more than three single, injectable or oral doses of any medication. Multi-dose containers may be in the kits only when such products are not available in single-use dosage forms. In such instances, the unused portion of the container must be discarded and appropriately recorded after the proper dose has been obtained.
 - 5) The kit must also contain all of the equipment needed to administer these medications, such as a tourniquet, needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits.
 - 6) The facility shall demonstrate a system of medication accountability and documentation for each dose used from the emergency kit.
 - 7) The contents and quantity of items in these kits shall be labeled on the outside of each kit. The kits shall be refilled as needed.
 - 8) The pharmacist shall check all emergency medication kits at least once every two months and so document with date and initials or signature on the outside of each kit.
- b) Controlled Substances in Emergency Kits
- 1) Since emergency medication kits must be available for immediate use at all times, the following requirements must be met when controlled substances are kept as part of the emergency medication kits.
 - 2) When the emergency kit is not stored in a locked room or cabinet, the controlled substances must be stored separately in a locked cabinet or room, and labeled as to substance and the fact that they are a part of the emergency medication kit. The label of the emergency kit shall list the substances and the specific location where they are stored.
 - 3) If the complete emergency kit itself is always kept in a locked cabinet or room, or if Schedule III, IV, or V controlled substances are stored within a locked or sealed emergency kit, then the requirements for separate storage of controlled substances need only apply to Schedule II controlled substances contained in the kit.

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- 4) Only the nurse on duty in the facility, pharmacist, or physician shall have access to these controlled substances.
- 5) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single, injectable or oral doses of any one controlled substance.

SUBPART H: FOOD SERVICE

Section 380.600 Director of Food Services

- a) Each facility shall have a full-time person who has been designated by the administrator as the Director of Food Services.
- b) The Director of Food services shall be responsible for the food and nutritional services of the facility.
- c) The Director of Food Services shall be a full-time employee of the facility.
- d) The facility's head cook may be designated as the Director of Food services as long as the duties of both positions are being performed.
- e) When the Director of Food Services is neither a dietetic service supervisor nor a dietitian, the Director of Food Services shall receive at least eight hours of consultation each calendar month from a dietitian. This consultation shall address all food service activities such as menu planning, menu review, food preparation, food storage, food service, safety and sanitation, and all aspects of nutritional care service.

Section 380.610 Dietary Staff

- a) In addition to the Director of Food Services, the facility shall employ and schedule a sufficient number of food service personnel to meet the dietary needs of the residents.
- b) All dietary employees' time schedules and work assignments shall be posted in the kitchen.
- c) Dietary policies and procedures, including job duties and job procedures shall be available in the dietary department for

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Section 380.610(c) (continued)

employees' knowledge and use.

Section 380.620 Diet Orders

- a) Physicians shall write a diet order in the medical record for each resident indicating whether the resident is to have a general or modified therapeutic diet.
- b) A written diet order for each resident shall be sent to the dietary department for each new admission and for every subsequent diet change ordered by the physician.
- c) The written diet order shall be transmitted to the dietary department and shall include at a minimum the following:
 - 1) name of resident,
 - 2) room and bed number, if applicable,
 - 3) type of diet,
 - 4) date diet order is sent to dietary,
 - 5) name of physician ordering the diet, and
 - 6) the signature of the person transmitting the order to the dietary department
- d) Diets shall be served as medically prescribed and in accordance with the facility's planned menus.
- e) The resident shall be observed to determine acceptance of the diet. Any significant refusals or variations in a resident's diet patterns shall be recorded in the resident's record.

Section 380.630 Daily Food Allowance for Residents

The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following recommendations of the Food and Nutrition Board and the National Research Council. The daily food allowance shall include at a minimum the following:

- a) Sixteen or more ounces of Grade A whole or low fat pasteurized milk.

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Section 380.630(a) (continued)

Cheese and ice cream may be used to replace part of the milk, as long as an equivalent calcium content is achieved, and as long as the cheese equivalent to the serving of milk is not also counted as a serving of protein in the meat group. The cheese and ice cream equivalents are as follows:

- 1) A one-inch cube of cheddar type cheese equals one-half cup of milk.
 - 2) Two-thirds cup cottage cheese equals one-half cup of milk.
 - 3) One cup of ice cream equals one-half cup of milk.
- b) Two or more servings of good quality protein food. The following are examples of one serving of good quality protein food:
- 1) Three ounces (excluding bone, fat and breading) of a cooked meat, such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, or kidney; and prepared luncheon meats.
 - 2) Three ounces of cooked fish or shell fish, or one-half cup canned fish.
 - 3) Three ounces of natural or processed cheese or three-fourths cup cottage cheese.
 - 4) Three eggs (minimum weight 21 ounces per dozen).
- A) If one egg is served for breakfast, a good quality protein food may be reduced from six to five ounces for the remaining meals.
 - B) If two eggs, or one egg and one ounce of meat such as lean sausage or ham, are served for breakfast, a minimum of two ounces of good quality protein shall be served at each of the remaining meals.
 - 5) One cup cooked dried beans or peas, or six tablespoons of peanut butter, not more than twice a week, and provided that eggs, milk, cheese or lean meat are served at the same meal.
- c) Four or more one-half cup servings of fruits or vegetables.
- 1) To ensure variety, when the same vegetable or fruit is served

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Section 380.630(c)(1) (continued)

twice in the same day, only one serving shall be counted as one of the four servings required in this food group.

2) The following vegetables and fruits shall be served:

- A) Either one-half cup of a good source of Vitamin C, or one cup of fair source of Vitamin C.
 - i) Good sources of Vitamin C include grapefruit juice, oranges, orange juice, cantaloupe, raw strawberries, broccoli, brussel sprouts, green peppers, and sweet red pepper.
 - ii) Fair sources of Vitamin C include raw cabbage, collards, kale, kohlrabi, mustard greens, potatoes, spinach, tomatoes, tomato juice, and turnip greens.
 - B) One cup of a good source of Vitamin A at least three times weekly. Good sources of Vitamin A include apricots, broccoli, cantaloupe, carrots, chard, collards, kale, persimmon, pumpkin, spinach, sweet potato, turnip greens and other dark green leaves, and winter squash.
 - C) Other fruits and vegetables, including potatoes, as needed to complete the total fruit and vegetable requirements.
- d) Four or more servings of whole, enriched or restored grain in bread or cereal. The following are examples of single servings from the bread and cereal group:
- 1) One slice of bread
 - 2) One-half cup cooked cereal
 - 3) One-half cup dry cereal
- e) The equivalent of two tablespoons of butter or margarine to be served as a spread or in cooking.
- f) Other foods as necessary to round out meals, satisfy individual appetites, improve flavor, and meet the resident's nutritional and caloric needs. Snacks may also be used for this purpose.

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Section 380.640 Meal Patterns

Section 380.640(a)(3) (continued)

Each facility shall choose whether to use a three meals a day plan, a four meals a day plan, or a five meals a day plan. (Times indicated in this Section are included for purposes of establishing intervals of time between meals and are not requirements for the actual time of service of meals.)

- a) Facilities choosing the three-meals-a-day plan shall comply with the following meal pattern:

1) Breakfast:

- A) Fruit or Juice
- B) Cereal
- C) Meat (optional, but three or four times per week preferable)
- D) Bread
- E) Butter or Margarine
- F) Milk
- G) Choice of additional Beverage

2) Main meal which may be served at noon or in the evening:

- A) Soup or Juice
- B) Entree (quality protein)
- C) Potato or Potato Substitute
- D) Vegetable or Salad
- E) Dessert (preferably fruit unless fruit is served as a salad or will be served at lunch or supper)
- F) Bread
- G) Butter or Margarine
- H) Choice of Beverage

3) Lunch or Supper:

- A) Soup or Juice (optional)
- B) Entree (quality protein)
- C) Potato or Potato Substitute (optional if served at main meal)
- D) Vegetable or Salad
- E) Dessert
- F) Bread
- G) Butter or Margarine
- H) Milk
- I) Choice of additional Beverage

- b) Facilities choosing the four-meals-a-day plan shall comply with the following meal pattern:

1) Breakfast (7:00 or 7:30 A.M.):

- A) Juice
- B) Cereal
- C) Toast or Roll
- D) Butter or Margarine
- E) Milk
- F) Choice of additional Beverage

2) Brunch (10:00 or 10:30 A.M.):

- A) Fruit or Juice
- B) Main dish (quality protein)
- C) Bread, Rolls or Special Breads, such as French Toast or Pancakes

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- D) Butter or Margarine
- E) Choice of Beverage
- 3) Full Dinner (4:00 or 4:30 P.M.):
 - A) Appetizer or Soup
 - B) Protein Entree
 - C) Potato or Potato Substitute
 - D) Vegetable
 - E) Salad
 - F) Dessert
 - G) Bread or Roll
 - H) Butter or Margarine
 - I) Milk
 - J) Choice of additional Beverage
- 4) Evening Meal (7:00 or 7:30 P.M.):
 - A) Quality Protein
 - B) Bread or Bread Substitute
 - C) Dessert
 - D) Nourishing Beverage

c) Facilities choosing the five-meals-a-day plan shall comply with the following meal pattern:

- 1) Continental Breakfast (7:00 or 7:30 A.M.):
 - A) Fruit Juice
 - B) Toast or Roll

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Section 380.640(c)(1) (continued)

- C) Butter or Margarine
- D) Beverage
- 2) Brunch (10:00 or 10:30 A.M.):
 - A) Fruit or Juice
 - B) Cereal
 - C) Eggs or Meat Dish
 - D) Bread or Muffin or Special Toast
 - E) Butter or Margarine
 - F) Milk
 - G) Choice of additional Beverage
- 3) Midday Meal (1:00 or 1:30 P.M.):
 - A) Quality Protein
 - B) Bread or Bread Substitute
 - C) Butter or Margarine
 - D) Dessert
 - E) Nourishing Beverage
 - F) Soup (optional)
- 4) Dinner (4:00 or 4:30 P.M.)
 - A) Meat, fish or poultry
 - B) Potato or potato substitute
 - C) Vegetable
 - D) Salad
 - E) Bread or roll

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Section 380.640(c)(4) (continued)

- F) Butter or margarine
- G) Dessert
- H) Milk
- I) Choice of additional beverage
- 5) Evening Meal (7:00 or 7:30 P.M.)
 - A) Quality protein
 - B) Bread or bread substitute
 - C) Dessert
 - D) Nourishing beverage

Section 380.650 Modified Therapeutic Diets

- a) If the facility admits or retains individuals in need of medically prescribed diets, the diets for these residents shall be prescribed by a physician. Menus for such diets shall be planned by a dietitian or nutritionist. The facility shall provide the supervision for preparing and serving the special diets by obtaining consultation as needed from a dietitian or nutritionist.
- b) The facility shall have available, and in use, at least two copies of a diet manual that has been developed and compiled by the facility.
 - 1) The facility's diet manual shall be approved in writing by the advisory physician, a dietitian or qualified nutritionist, and the administrator.
 - 2) One copy of the diet manual shall be located in the dietary department for use by dietary personnel, and one copy shall be kept in a location convenient for physicians who would order diets.
- c) The nursing staff or dietitian shall review modified therapeutic diets taken by mouth in accordance with the following timeframes:
 - 1) Liquid diets shall be reviewed at least once every forty-eight hours.

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Section 380.650(c) (continued)

- 2) Medical soft diets shall be reviewed at least once every three weeks.
- 3) Modified therapeutic diets taken by mouth other than those described above shall be reviewed at least once every three months.
- d) Based on the periodic review of modified therapeutic diets, the nursing staff or dietitian shall make recommendations to the resident's physician regarding the continued appropriateness of the diet as prescribed.
- e) Medically prescribed diets shall be served as ordered.
- f) Diet information for each modified therapeutic diet shall be available in the facility's kitchen.

Section 380.660 Scheduling Meals

- a) A minimum of three meals or their equivalent shall be served daily at regular times with no more than a fourteen-hour span between the evening meal and breakfast.
- b) Between meal and bedtime snacks of nourishing quality shall be offered.
- c) If a resident refuses food served, reasonable and nutritionally appropriate food substitutes shall be served.

Section 380.670 Menu Planning

- a) Menus, including menus for "sack" lunches and between meal and bedtime snacks shall be planned at least one week in advance.
- b) Menus shall be planned to provide a variety of foods of texture and color balance to give eye appeal to each meal served in the facility.
- c) The menu for the current week shall be dated and made available to residents, visitors and Department staff. Upon request of the Department, sample menus shall be submitted for evaluation.
- d) Menus shall be different for the same day of consecutive weeks.

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Section 380.670 (continued)

- e) The facility shall maintain on the premises supplies which are nutritionally equivalent to the contents of the menu.
- 1) The facility's supply of staple foods shall be adequate for at least one week.
- 2) The facility's supply of perishable foods shall be adequate for at least two days.
- f) Menus as served and records of all food purchased shall be kept on file for not less than thirty days.

Section 380.680 Food Preparation, Service and Sanitation

- a) Foods shall be prepared by methods that will conserve nutritive value and enhance flavor and appearance.
- b) Foods shall be prepared according to standardized recipes. A file of such recipes shall be available for the use of the cook.
- c) Food sufficient to meet the nutritional needs of the residents shall be prepared for each meal.
 - 1) When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu or in a notebook marked "substitutions" that is kept in the kitchen.
 - 2) When a notebook is used to document substitutions, the notebook shall identify the date of the substitution, the meal at which each substitution was made, the menu as originally written and the menu as actually served.

- d) Foods shall be attractively served at proper temperatures and in a form that meets individual residents' needs.

- e) All residents shall be served meals in a dining room or a multipurpose room except for an individual who has a valid reason, such as a temporary illness.

- f) The facility shall comply with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750).

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Section 380.690 Kitchen Equipment, Utensils and Supplies

- a) The kitchen or dietary areas shall have equipment, utensils, and supplies to store, prepare, and serve residents' meals in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750), and also to meet the needs of the residents.
- b) Each kitchen, training kitchen and floor pantry, or subkitchen in each building shall be equipped with facilities that:
 - 1) maintain the food storage, preparation and service temperatures required by the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750),
 - 2) protect cooking equipment and utensils from contamination, and
 - 3) allow for the preparation of planned meals.
- c) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives and mixers, to prepare the resident's meals.
- d) There shall be equipment to keep hot foods hot and cold foods cold until served to residents. This equipment may be in the form of heated food carts, insulated food containers, or another equivalent means of maintaining food temperatures during service to residents.
- e) Each facility shall provide dishes, glassware, and silverware of a type that will serve all the residents in the facility at each meal.
- f) At least one training kitchen shall be provided to allow residents to be trained in preparing their own meals.

SUBPART I: HOUSEKEEPING AND EQUIPMENT

Section 380.700 Furnishings

- a) Each resident shall be provided with a bed which is at least thirty-six inches wide, of sturdy construction and in good repair.
 - 1) Cots, rollaways, and folding beds shall not be used.
 - 2) Double beds may be used for married couples.
 - 3) Neither headboards nor footboards are required on the beds.

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- 4) Each bed shall be provided with satisfactory type springs in good repair and a clean, firm, comfortable mattress of appropriate size for the bed.
- 5) Each bed shall be provided with a minimum of one clean, comfortable pillow.
- b) There shall be additional pillows available in the home to satisfactorily serve the needs of the residents.
- c) Multiple resident bedrooms in new facilities shall not have more than two beds. Multiple resident bedrooms in existing facilities shall not have more than four beds.
- d) A satisfactory reading lamp or equivalent, shall be provided for each bed.
- e) For each bed the following shall be furnished:
 - 1) a minimum of two adequately sized dresser drawers,
 - 2) a comfortable chair,
 - 3) an individual towel rack,
 - 4) a satisfactory reading light over, or at the side of, the bed,
 - 5) adequate closet, locker, or wardrobe space within the room, for hanging clothing, and
 - 6) a bedside table.

- f) Each bedroom shall have window shades or equivalent in good repair.
- g) Unless contraindicated by the resident's physician, each bedroom shall be provided with a full length shatter resistant mirror unless there is the same type of full length mirror in the bathroom opening into this bedroom.
- h) Furnishings shall be homelike and non-institutional in character. Bedrooms should contain items such as radios, wall clocks, pictures, calendars and shelves. The use of carpeting on the floors is encouraged. At least one room on each floor, however, shall be furnished to accommodate problem smokers or the behaviorally incontinent (tile floors, blinds, metal furniture, flame retardant

Section 380.700(h) (continued)

- mattresses).
 - i) Each living room for residents use shall be provided with an adequate amount of reading lamps, tables, and seating. These furnishings shall be well constructed and of satisfactory design for the residents.
 - j) Dining room furnishings shall be provided for each resident which are well constructed, comfortable, in good repair, and of satisfactory design for the residents. There shall be a sufficient number of tables of a type that can be used to accommodate the number of residents in wheelchairs.
 - k) Office spaces, treatment rooms, and other areas shall be satisfactorily furnished with desks, chairs, lamps, cabinets, benches, work tables, and any other furnishings essential to the proper use of the area.

Section 380.710 Maintenance

- a) Every facility shall have an effective written plan for facility maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall:
 - 1) Maintain the building in good repair and free from the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint, warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards.
 - 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems.
 - 3) Maintain all electrical cords and appliances in a safe and functioning condition.
 - 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe.
 - 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.

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- 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition.
- 7) Maintain the building and grounds free from refuse, litter, insect and rodent breeding areas.
- 8) Eliminate any possible infestations of rodents by:
 - A) ridding the area of their breeding sites,
 - B) securing the windows in the building with screens of not less than 16 mesh screen to the inch and
 - C) repairing any breaks in construction.
- b) Each facility will operate with an adequate and sanitary supply of water. To secure this water supply, each facility will:
 - 1) Maintain all plumbing fixtures and piping in good repair so that they function properly.
 - 2) Protect the potable water supply from contamination by providing and properly installing adequate backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

Section 380.720 Housekeeping

- a) Every facility shall have and implement a housekeeping plan. This plan shall describe the staff, equipment and supplies that shall be utilized to:
 - 1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage areas.
 - 2) Keep floors clean, as nonslip as possible, and free from tripping hazards.
 - 3) Control odors within the housekeeping staff's areas of responsibility by cleaning and by the proper use of ventilation systems. Deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices.

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- 4) Minimize fire hazards throughout the building, including basements, attics, and unoccupied rooms.
 - b) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other items.
 - c) Bathtubs, shower stalls, and lavatories shall not be used for laundering, janitorial, or storage purposes.
 - d) Adequate containers with proper covers shall be provided for daily storage of rubbish.
- Section 380.730 Laundry Services
- a) Every facility shall have a means of supplying clean linens for operation, either through an in-house laundry or a contract with an outside service.
 - 1) Each facility shall maintain at least three sets of sheets, including sheets and pillow cases for each resident.
 - 2) Additional changes of linen per resident shall be required to compensate for the time between the time linens are soiled and the time they are laundered and returned to storage.
 - b) Each facility shall provide a laundry room equipped with appropriate and satisfactory type equipment of a design to meet the needs of the facility, unless a commercial laundry is used.
 - c) Laundry facilities shall not be located in rooms used for food storage, preparation, or serving, however, packaged foods, including packaged single-service food articles, may be stored in the laundry room.
 - d) The facility must provide space for the storage of clean linen.
 - e) The following conditions shall exist regardless whether an in-house laundry service is provided, or if the facility contracts with an outside service:
 - 1) The laundry area shall be maintained and operated in a clean, safe and sanitary manner.

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Section 380.730(e) (continued)

- 2) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.
- 3) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.
- 4) Clean linen shall be protected from contamination during handling transport and storage.
- 5) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- f) When an outside laundry service is used, it shall provide protection of clean linens during transport back to the facility.
- g) If the facility provides laundry service for residents' personal clothing the clothing shall be handled, transported, and stored in a manner that will not allow soiled personal clothing to contaminate clean facility linen, or soiled linen to contaminate clean personal clothing.
- h) At least one training laundry shall be available for use by residents to allow residents to be trained to do their own laundry. Washers and dryers shall be residential type and may be coin or token operated. An ironing board and iron shall also be available.

Section 380.740 Equipment and Supplies

- a) The facility shall have a supply of thermometers, ice bags, hot water bottles or equivalent, sufficient to meet the needs of its residents.
- b) Residents shall be afforded the opportunity for privacy in their rooms. In multiple bed rooms, this may be accomplished by the use of bedside screens, arrangement of furnishings, or cubicle curtains.
- c) A nurse call system is not required in this type of facility.
- d) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents.

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Section 380.740 (continued)

- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, craft supplies, current magazines, books, radio, television, and record player. A piano, guitar or other musical instrument is recommended as an important adjunct to the activity program equipment.
- g) The facility shall have sufficient equipment for training residents in the activities of daily living, self-care and independent living. Examples of equipment that are to be provided includes ironing boards, irons, sewing machines, and sewing supplies.

Section 380.750 Sterilization of Equipment and Supplies

Every facility shall follow an acceptable plan to provide for sterile equipment and supplies, such as needles, syringes, and dressing. These plans may include:

- a) The use of individually wrapped sterile dressings, disposable syringes, needles, catheters, gloves, etc. which shall be disposed of after a single use,
- b) A formal plan with another facility for the autoclaving of equipment and supplies, or
- c) Other alternative methods when approved on an individual basis in writing from the Department based on a written request from the facility giving in detail the method proposed to be used and which method meets equivalent criteria for proper sterilization for these items to be sterilized.

SUBPART J: PHYSICAL PLANT

Section 380.760 Applicability of Physical Plant Requirements

- a) The physical plant requirements of this Part shall apply to all facilities.
- b) Alterations or remodeling changes to facilities will not be considered as major alterations or remodeling changes and will not be subject to review by the Department when the changes meet all of the following conditions:

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Section 380.760(b) (continued)

- 1) The changes do not affect the structural integrity of the building.
- 2) The changes do not affect functional operations of the facility.
- 3) The changes do not affect fire safety precautions in the facility.
- 4) The changes do not add beds or facilities over those for which the facility is licensed.
- c) Plans and specifications for all major alterations or remodeling changes to facilities shall be submitted to the Department for review as specified in Section 380.780 prior to the initiation of the changes.
- d) Compliance with this Part shall not relieve the facility from compliance with the requirements of the Health Facilities Planning Board (77 Ill. Adm. Code 1100 through 1190). These rules of the Health Facilities Planning Board must be met for all alteration and remodeling projects.

Section 380.770 Codes and Standards

- a) Compliance with this Part shall not relieve the facility from compliance with building codes, ordinances and regulations which are enforced by city, county, or other local jurisdictions.
- b) All facilities shall comply with the 1985 edition of the National Fire Protection Association's Standard No. 101: Life Safety Code. The 1985 edition of the National Fire Protection Association's Standard No. 101, Life Safety Code, and all references under Appendix "B" of that code are hereby incorporated in this Part. In the case of conflict between this code and the other specific requirements of this Part, the other specific requirements of this Part shall be followed.
- c) Facilities of protected ordinary construction which are four stories or more in height must meet the following requirements, which will be considered equivalent to the parallel requirements of the Life Safety Code.
 - 1) The fire resistance rating of all structural members must meet the two hour fire resistive classification of the National Fire

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Section 380.770(c)(1) (continued)

- Protection Association's Standard No. 220 (1979), Types of Building Construction, except that floor and roof framing members and nonbearing walls may be of combustible construction.
- 2) Smoke detectors must be installed in all resident rooms, corridors, living areas, day rooms and in all hazardous and severely hazardous areas throughout the facility. A zone readout identifying areas involved in a fire must be provided.
 - 3) All electrical systems shall meet the requirements of the National Electrical Code.
 - 4) A complete automatic extinguishment system shall be installed throughout the facility.
 - 5) Any physically handicapped residents shall be housed on the lowest sleeping room floor. Ambulatory residents may be housed on any floor.
 - 6) Complete smoke barriers including one-hour rated walls and 1-3/4 inch thick solid core wood corridor doors with closers shall be installed.
 - d) Facilities shall comply with the following codes and standards to the extent to which these codes and standards do not conflict with the other specific requirements of this Part. In the case of conflict between these codes and standards and the other specific requirements of this Part, the other specific requirements of this Part shall be followed.
 - 1) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
 - 2) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - 3) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - 4) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - 5) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750)

Section 380.770(d) (continued)

- 6) Safety Glazing Materials Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 3101 et seq.)

Section 380.780 Preparation of Drawings and Specifications

a) The preparation of drawings and specifications shall be executed by, or be under the immediate supervision of, an architect registered in Illinois under the Illinois Architecture Act (Ill. Rev. Stat. 1987, ch. 111, par. 1208 et seq.) and the rules of the Department of Professional Regulation (89 Ill. Adm. Code 150).

b) Specifications

1) Specifications shall be submitted with and serve as a supplement to all drawings.

2) Specifications shall fully describe the materials, workmanship, kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles and devices, which are not fully described on the drawings.

c) Initial Submission. The initial submission shall include design development drawings, outline specifications, and a brief narrative description of the project.

1) The design development drawings shall indicate in detail the assignment of all spaces and size of areas and rooms. The drawings shall also indicate in outline the fixed and movable equipment and furniture.

2) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.

3) The drawings shall include:

- A) a plan of each floor including the basement or ground floor,
- B) roof plan,
- C) plot plan showing roads, parking areas, and sidewalks,
- D) elevations of all facades,
- E) sections through the building, and

Section 380.780(c)(3) (continued)

- F) identification of all fire and smoke compartmentation.
- 4) Outline specifications shall provide a general description of the construction including finishes; acoustical material, floor covering; heating and ventilating systems; description of the electrical system including the emergency electrical system and the type of elevators.

5) The total gross floor area and bed count shall be shown on the drawings.

d) Final Submission. Following approval of the design development drawings and specifications, working drawings and specifications shall be submitted. All working drawings shall be well prepared and clean and distinct prints submitted. Drawings shall be accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Drawings shall be prepared for each of the following branches of work: architectural, structural, mechanical, electrical and plumbing.

1) The architectural drawings shall show:

- A) Site plan showing all topography, newly established levels and grades, any existing structures on the site, new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures which are to be removed under the construction contract shall be shown.
- B) Plan of each floor and roof.
- C) Elevation of each facade.
- D) Sections through building.
- E) Elevators and dumbwaiters. Drawings delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms.
- F) Kitchen, laundry, clean and soiled utility room, special care areas, and similar areas shall be detailed at a scale to show the locations, type, size and connection of all fixed and movable equipment.

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Section 380.780(d)(1) (continued)

- G) Scale details as necessary; at a scale sufficiently large to properly indicate details of the work.
- H) Schedule of finishes.
- 2) The structural drawings shall show:
 - A) Plans of foundations, floors, roofs and all intermediate levels shall show the complete design with sizes, sections, and the relative location of the various members including:
 - B) Schedule of beams, girders and columns.
 - C) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil bearing pressures.
 - D) Details of special connections, openings, pipe sleeves and expansion joints.
 - E) Special structures shall include calculations defining load assumption, shear and moment diagrams and horizontal and vertical reactions.
- 3) Mechanical drawings with specifications shall show the following details.
 - A) Heating, Cooling, and Ventilation Systems
 - i) Pumps, tanks, boilers and piping and boiler room accessories.
 - ii) Air conditioning systems with required equipment, water and refrigerant piping, and ducts.
 - iii) Supply and exhaust ventilating systems with connections and piping.
 - iv) Air quantities for all rooms including supply and exhaust ventilating duct openings.
 - B) Plumbing, Drainage and Stand Pipe Systems
 - 1) Size and elevation of: street sewer, house sewer,

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Section 380.780(d)(3)(B)(i) (continued)

- house drains, street water main and water service into the building.
- ii) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment.
- iii) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks.
- iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections.
- v) Fuel and similar piped systems.
- vi) Stand pipe and sprinkler systems.
- vii) All fixtures and equipment that require water and drain connections.
- 4) Electrical drawings shall show all electrical wiring, outlets, and equipment which require electrical connections, including the following:
 - A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections.
 - B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.
 - C) Light outlets, receptacles, switches, power outlets, and circuits.
 - D) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the telephone company.
 - E) Fire alarm system with stations, signal devices, control board and wiring diagrams.

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Section 380.780(d)(4) (continued)

Section 380.790(b) (continued)

F) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits.

G) All other electrically operated systems and equipment.

e) When the project is an addition to an existing facility, details and information on the existing building shall be provided as follows:

- 1) Type of activities within the existing building and distribution of existing beds.
- 2) Type of construction of the existing building and number of stories in height.
- 3) Plans and details showing attachment of new construction to the existing structure.
- 4) Mechanical and electrical systems showing connections to the existing systems.
- 5) The Department will require submission of additional drawings of portions of the existing structure, when such additional drawings are necessary to fully consider the effect of the project on the existing structure.

Section 380.790 Site

a) Each facility shall comply with all applicable local zoning ordinances and be located on a reasonably flat or rolling, well-drained site. The site shall meet the following additional requirements:

- 1) The site shall not be subject to flooding.
- 2) The site shall be reasonably free from sources of excessive noise, noxious or hazardous smoke or fumes.
- 3) The site shall not be in a deteriorated, unpleasant, or potentially hazardous area.
- 4) The site shall not be near uncontrolled sources of insect or rodent breeding.
- b) Each facility shall be located in or near a community which can

provide the necessary supportive services for the facility. These supportive services include physicians' services, social services, transportation, recreational services, religious services, work, medical facilities, and public utilities.

c) Each facility shall be located on a well-maintained, all-weather street, road, or highway.

d) Each facility shall be served by a potable water supply with water pressure and volume that is adequate to meet the needs of the facility for drinking, cooking, sewer, and sanitation.

e) Each facility shall have at least one municipal or private fire hydrant, located within three hundred (300) feet of the building and satisfactory for use by the equipment of the fire department serving the building, or have an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire hazards.

Section 380.800 General Environment

a) The facility shall take reasonable precautions to provide a safe and secure environment for residents needing close supervision to minimize unauthorized absence, injury, and suicide.

b) The environment of the facility shall be as non-institutional as practical.

Section 380.810 Administration and Public Areas

a) Each facility shall provide sufficient administrative office space for clerical, financial, and managerial functions and provide satisfactory space which can be used for privacy in interviewing applicants, for discussion with relatives, and similar purposes.

b) Each facility shall be served by reliable telephone service.

c) Each facility shall provide space for storage and protection of resident records and resident funds.

d) Facilities for the physically handicapped (public, staff and residents) shall be provided in administration and public areas. Such facilities shall comply with the rules of the Capital

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Section 380.810(d) (continued)

Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).

Section 380.820 Resident Bedrooms

a) General Requirements for Resident Bedrooms

- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door that swings into the room.
- 2) Resident bedroom shall have adequate artificial light and be equipped in accordance with Section 380.700 of this Part.
- 3) A closet or wardrobe at least six square feet shall be provided for each resident.
- 4) Each bedroom floor shall be no more than three feet below the adjacent ground level.
- 5) Each room used as a resident bedroom shall have at least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room.

b) Size of Resident Bedrooms

- 1) Each single resident bedroom shall contain at least 100 square feet. Each multiple resident bedroom shall contain at least 80 square feet per resident. Multiple bedrooms with between 70 and 80 square feet per resident are acceptable if the facility can convincingly demonstrate that all required services can be provided to the residents. Minimum floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways.
- 2) Maximum room capacity shall be four residents. Beds shall be no more than three feet from an outside wall. There shall be a minimum of ten feet between walls or a wall and any built in furniture or storage space.

Section 380.830 Central Nursing Station

- a) The facility shall provide a minimum of one central nursing station. The station shall have direct access to a corridor.

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Section 380.830 (continued)

- b) At least one central nursing station in the facility shall have a work counter, a medicine cabinet, and a medicine sink with hot and cold running water. This central nursing station in the facility shall also have any other equipment and furnishings which are needed to provide care for the residents.
- c) A toilet and handwashing sink, which are not accessible for use by residents, shall be located convenient to each central nursing station for use by facility staff.

Section 380.840 Bath and Toilet Rooms

a) Required Number of Bath and Toilet Rooms

- 1) The facility shall provide no less than the following minimum number of bath and toilet rooms for resident use.
 - A) One toilet, one sink, and one bathtub or shower for each sex on each floor occupied by residents.
 - B) One sink and one toilet for each ten resident beds on each floor.
 - C) If residents using wheelchairs are admitted to the facility, at least one toilet room (or at least one enclosure within a toilet room) measuring five feet by six feet on each floor housing residents, if other toilet rooms for residents are not large enough to permit use by wheelchair residents. A lavatory which can be used by wheelchair residents shall be provided in this room.
- 2) The number of required rooms shall be based on the maximum licensed capacity of resident beds on each floor, rather than the number of occupied beds.

b) Other Requirements for Bath and Toilet Rooms

- 1) All bath and toilet rooms shall be easily accessible, and conveniently located. Group bath and toilet facilities shall be partitioned or curtained for privacy.
- 2) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom.

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Section 380.840(b) (continued)

- 3) The doors for the toilet rooms used by residents shall have a minimum door width of thirty inches.
- 4) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency ingress to the room.
- 5) Each lavatory shall be provided with a well-illuminated mirror.

c) Bathing Facilities

- 1) The facility shall provide at least one bathtub or shower for each fifteen resident beds on each floor.
- 2) If residents requiring bathing assistance are admitted to the facility, the facility shall provide at least one bathtub or shower room or enclosure for assisted bathing on each floor on each room for such residents are located. The room or enclosure shall be not less than 8 ft. 6 in. by 8 ft. 6 in. and shall include any necessary equipment for assistance in bathing persons with physical disabilities. If a shower is provided, such shower shall have a minimum dimension of 4 ft. by 3 ft. 6 in. The shower shall have a water inlet to which is connected a flexible hose with spray or shower head attached to the end of the hose. Any conventional shower head installation which is also provided in the shower must be valved off from the other water inlet.

- 3) All showers, other than those for residents needing assistance in bathing, shall have minimum dimensions of three feet by three feet.

- 4) Shower stalls for any physically handicapped residents shall comply with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).

- d) Grab bars shall be provided at resident showers and bathtubs in accordance with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).

- e) If residents with physical disabilities are admitted to the facility, grab bars shall be provided at resident toilets in accordance with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).

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Section 380.850 Living, Dining, and Activity Rooms

- a) The facility shall provide at least one comfortably furnished living room on each floor and at least one dining room for use by residents.

- 1) All living and dining rooms shall be outside rooms. Their combined areas shall be not less than forty square feet per resident bed.

- 2) The dining room shall be sufficient in area to allow for proper and comfortable service for the residents.

- 3) No living or dining room shall be located so that it functions as an entrance vestibule from the out-of-doors.

- 4) Furniture in living and dining rooms shall be arranged so that it is not an obstruction to traffic in or out of the facility.

- b) The facility shall develop a written plan for the use of space for required activity and related program functions.

- 1) The plan shall insure that appropriate space for all required activity and related program functions is available and adequate for the provision of services to the residents.

- 2) The plan shall identify the space which is designated for each program function and the specific activities to be provided. The plan shall list the size of the space identified for each program function. Multi-purpose spaces shall be clearly indicated in the plan.

- 3) The plan shall include a description of any community or other off-site services which will be utilized instead of space within the facility.

- 4) The plan shall include provisions for active sports and other outside activities.

- 5) When no off-site services are utilized, the facility shall provide at least ten square feet per resident for activity and related program functions. This minimum area shall be in addition to the forty square feet which is required for the living and dining room areas.

- 6) Spaces within the facility which are used for activity and related programming shall be designated as activity rooms. Activity rooms may be combined with a living room, dining room,

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Section 380.850(b)(6) (continued)

- c) Living, dining and activity rooms shall not be used as bedrooms under any circumstances.

Section 380.860 Service Areas

a) Kitchen

- 1) The facility shall include a kitchen area, not including any food storage areas, of not less than ten square feet per resident bed. A reduction of this area requirement is acceptable if the facility can convincingly demonstrate that all required services can be provided to the residents.
- 2) The facility shall provide kitchen equipment in an arrangement for convenient operation, good sanitation, healthful working conditions and control of heat, noise, and odors.
- 3) The facility shall provide appropriate equipment for preparation and serving of meals.

- 4) Equipment for adequate refrigeration of perishable foods shall be provided.

- 5) The kitchen shall be equipped with a two-compartment sink for washing and sanitizing dishes, pots, pans and utensils. A commercial type dishwasher is recommended, but not required.

- 6) The kitchen shall be provided with a handwashing lavatory.

- 7) The walls and ceilings of all food handling rooms shall be finished with smooth, washable, light colored surfaces.

- 8) All openings to the outside shall be effectively screened during fly seasons. Screen doors shall be equipped with self-closing devices or an equivalent alternative device.

- 9) The kitchen shall be located so that no resident must pass through it to reach a bathroom, resident's bedroom, the living room, dining room, or the out-of-doors.

- 10) Storage space of at least two and one-half square feet per resident bed for bulk and daily food storage shall be located in

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Section 380.860(a)(10) (continued)

an area convenient to the kitchen.

b) Laundry

- 1) The facility shall provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used.
- 2) The facility shall provide satisfactory and separate areas for holding soiled linen, for sorting soiled linen, and for storage of clean linen. These areas may be in the same room if well defined and adequate separation is provided.
- 3) The laundry facilities shall not be located in a room used by residents, or for food storage, preparation or serving. It shall be located so that soiled linens are not carried through a food handling area to reach it.

c) Storage

- 1) The facility shall provide a total storage area of not less than seven and one-half square feet per resident bed for the types of storage outlined in this subsection (c).
- 2) The facility shall provide adequate storage space for personal possessions of residents and staff, linens, supplies, and other items. This storage space shall be such that it does not constitute a fire or accident hazard or an obstruction to the activities of residents or staff.
- 3) Provide closets for cleaning supplies, janitor's sinks, linen closets, storerooms for luggage, furniture replacements, and other similar equipment and supplies.

Section 380.870 General Building Requirements

a) Doors and Windows

- 1) Main entrance and exit doors shall swing outward and be provided with door closers and panic-hardware.
- 2) All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door which is supervised during certain periods may have a

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Section 380.870(a)(2) (continued)

- disconnect device for part-time use. If there is constant twenty-four hour a day supervision of the door, a signal is not required.
- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and the keys are available to staff at all times.
 - 4) Thresholds or parting strips in doorways used by residents shall be flush with the floor.
 - 5) Doors and windows shall fit snugly and be weather tight, and shall open and close easily.
 - 6) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, 16-mesh screens. Screen doors shall be equipped with self-closing devices.
- b) Floors
- 1) Floors shall be smooth, free from cracks, and finished so that they can be easily and properly cleaned.
 - 2) Floors in bathrooms and kitchens shall be completely covered with water resistant material.
- c) Walls and Ceilings
- 1) Walls and ceilings shall have sound construction, covered with plaster or sheet rock or similar material in good repair, and free from cracks or holes to permit proper cleaning.
 - 2) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other vermin.
 - 3) Exit corridor walls shall be one hour fire rated construction. Adjoining open spaces shall not be greater than six hundred square feet. The facility shall provide direct visual supervision of these open spaces and equip them with an electrically supervised smoke detection system.

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Section 380.870 (continued)

d) Ceiling Heights

- 1) All rooms occupied by or used by residents shall have not less than eight feet ceiling height.
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall not be less than 7 ft. 8 in. ceiling height.
- 3) Suspended pipes and etc. located in the path of traffic shall not be less than 6 ft. 8 in. above the floor.

e) Fire Extinguishers

- 1) The facility shall provide at least one approved fire extinguisher in all basements, furnace rooms, and kitchens.
- 2) The facility shall provide at least one approved fire extinguisher on each floor of the building.
- 3) Fire extinguishers shall be located throughout the facility so that an individual is not required to travel more than fifty feet from any point to reach one.
- 4) Fire extinguishers shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher.

f) Elevators

- 1) The facility shall provide a minimum of one elevator in all buildings of three or more stories in height. The basement, if used by residents, shall be considered as one story for purposes of this subsection. Additional elevators will be required by the Department when it determines that such elevators are necessary to provide adequate movement within the facility.
- 2) If sixty to two hundred beds are located above the second floor, at least two elevators shall be provided in the facility.
- 3) If over two hundred beds are located above the second floor, the Department shall determine the number of additional elevators which are required to provide adequate means of movement within the facility.
- g) The facility shall comply with any additional fire protection

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Section 380.870(g) (continued)

measures which may be imposed by the State Fire Marshal or by the Department. Such measures will be imposed when the State Fire Marshal or the Department finds that conditions in and around the building, including its location, indicate that such additional protection is necessary to adequately protect the residents of the facility.

- h) Facilities shall have no other business in the building which is unrelated to health care and which constitutes a hazard or annoyance to the residents. If an additional business is located in the building, the business shall be in a segregated portion of the building.

Section 380.880 Structural

- a) Any building which is licensed as a facility and all parts of the building shall be maintained structurally to support all dead, live, and lateral loads.
- b) Buildings shall be maintained in good repair. Buildings that show signs of distress shall be repaired as soon as practicable.

Section 380.890 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility.
- b) It is recommended that thermal and acoustical insulation be provided for the following:
 - 1) Boilers, smoke breeching, and stacks.
 - 2) Steam supply and condensate return piping.
 - 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
 - 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.
 - 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.

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Section 380.890(b) (continued)

- 6) Water supply and drainage piping on which condensation may occur.
- 7) Air ducts and casings with outside surface temperature below ambient dew point.
- 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
- 10) Insulation on cold surfaces shall include an exterior vapor barrier.
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with the American Society for Testing and Materials' Standard No. E-84-1977A: Method of Test for Surface Burning Characteristics of Building Materials. Duct, pipe and equipment coverings shall not be required to meet this requirement where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.
- c) It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- d) Heating, Cooling, and Ventilating Systems
 - 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.
 - 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted.
 - 3) All ventilation supply, return and exhaust systems shall be mechanically operated.

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Section 380.890(d) (continued)

- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust.
- 5) The laundry shall be provided with ventilation for reasonable comfort and with air flowing from clean areas to soiled areas with exhaust to the outdoors.
- 6) Outdoor air intakes shall be located as far as practical, but not less than fifteen feet, from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical, but not less than six feet above ground level, or if installed above the roof, not less than three feet above roof level.
- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of the National Fire Protection Association's Standard No. 90A (1985), Standard for the Installation of Air Conditioning and Ventilating Systems.
- 8) The hood and duct system for cooking equipment shall be in conformance with the National Fire Protection Association's Standard No. 96 (1984): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor approved by Underwriter's Laboratory or other independent testing laboratory.
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates.
- 10) A capability shall be provided to maintain a temperature of at least fifty-five degrees Fahrenheit for at least twelve hours when the normal source of electrical power is interrupted.

Section 380.900 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Section 380.900(a) (continued)

- Code 890), except that the number of water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by Section 380.840 of this Part.
- b) Plumbing Fixtures
 - 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials and shall be kept in good repair.
 - 2) The kitchen two compartment sink shall have one compartment no less than fourteen inches deep.
 - 3) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be provided with nonslip surfaces.
- c) Water Supply Systems
 - 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods.
 - 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
 - 3) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times.
 - 4) Hot water available to residents at shower bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit.
 - 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit.
 - d) Hot Water Heaters and Tanks. Water storage tanks shall be fabricated of corrosion resistant metal or lined with non-corrosive material.
 - e) Drainage Systems. Special precautions shall be taken to protect food preparation, serving, and storage areas from possible leakage and condensation from any necessary overhead piping systems.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Section 380.900 (continued)

- f) Fire Extinguishment Systems. All fire extinguishment systems shall be designed and installed in accordance with the National Fire Protection Association's Standard No. 101 (1985): Life Safety Code and Standard No. 13 (1980): Standards for the Installation of Sprinkler Systems. All fire extinguishment systems shall be maintained in accordance with the National Fire Protection Association's Standard No. 13A.

Section 380.910 Electrical Requirements

- a) The electrical installation for existing facilities shall continue to meet all the requirements of the National Electrical Code, effective at the time of approval by the Department of final drawings and specification or the inspection of the building.
- b) Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. Overload protective devices shall be suitable for operating properly in ambient temperature conditions.

c) Lighting

- 1) All spaces occupied by people, machinery, or equipment within buildings, approaches to buildings, and parking lots shall have lighting.
- 2) Resident's rooms shall have general lighting.

- d) Receptacles (Convenience Outlets). Each resident room shall have adequate safety duplex type receptacles.

e) Fire Alarm System

- 1) A manually-operated, electrically-supervised fire alarm system shall be installed. Pre-signal systems are not permitted.
- 2) There shall be an approved fire detection and alarm system throughout the facility.
- 3) The fire alarm signals shall automatically transmit the alarm to any available municipal fire department by direct private line or through an approved central station.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Section 380.910(e) (continued)

- 4) Fire alarms shall be activated by manual stations and all detection systems and flow alarm devices and sprinkler systems.

f) Emergency Electrical Requirements

- 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.
- 2) The source of this emergency electrical service shall be one of the following:
- A) An emergency generating set when the normal service is supplied by only one central station transmission line.
- B) Automatic battery operated systems or equipment that will be effective for at least one hour and will be capable of supplying power for lighting for exit signs, exit corridors, stairways, central nursing station, communication system, and all alarm systems, including the nurses' call system (if present).
- 3) Emergency electrical service shall be provided for:
- A) illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors and all ways of approach to and through exits including outside lights.
- B) exit signs and exit directional signs,
- C) fire alarm and detection systems,
- D) communication systems which are used for issuing instructions,
- E) the central nursing station.

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ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) The Heading of the Part: County Fair Regulations
- 2) Code Citation: 11 Ill. Adm. Code 437
- 3) Section Numbers: Proposed Action:
437.10 New Section
437.20 New Section
437.30 New Section
437.40 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 8,
pars. 37-9(a),(n), as amended by
P.A. 85-1170.

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes selection criteria for the 2 licenses which allow a county fair association to conduct pari-mutuel wagering on its 1989 county fair race meeting.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable, as no local government will be required to increase expenditures as a result of this rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Michael B. McClure
Board Counsel
State of Illinois Center
Illinois Racing Board
Suite 11-100
Chicago, Illinois 60601
(312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 13, 1988
- B) Types of small businesses affected: County Fair Associations.
- C) Reporting, bookkeeping or other procedures required for compliance: Submission of financial statements.
- D) Types of professional skills necessary for compliance: Accounting.

The full text of the Proposed Rule(s) begins on the next page:

ILLINOIS RACING BOARD

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 437
 COUNTY FAIR REGULATIONS

Section

437.10 Scope
 437.20 Application Procedures
 437.30 Criteria for Selection
 437.40 Board Rules Apply

AUTHORITY: Implementing and authorized by Sections 9(a),(n) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a),(n)).

SOURCE: Adopted at 13 Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 437.10 Scope

These rules shall apply to applicants for licenses for county fairs authorized by Section 37-9(a),(n) of the Illinois Horse Racing Act of 1975, (Act) (Ill. Rev. Stat. 1987, ch.8, par. 37-9(b),(n)), as amended by P.A. 85-1170.

Section 437.20 Application Procedures

All applications shall be filed with the Illinois Racing Board (Board) no later than March 1, 1989. Board personnel shall review the applications for completeness, notify the applicants of any additional material required and the date by which such material must be submitted, within 30 days of the Board's receipt of the application.

Section 437.30 Criteria For Selection

In selecting the county fairs to receive licenses, the Board shall consider the following factors: the financial ability of the applicant to meet the obligations associated with the

proposed race meeting, both estimated actual liabilities and contingent liabilities; the quality of the accommodations available for the running of the race (including ability to guarantee the integrity of the race); the accommodations available to the public; the likely quality/competitiveness of the races (as evidenced by, among other items, purse structure); the potential to maximize revenue to horsemen, the county fair association and the state; the ability to safeguard the interests of the wagering public.

The Board will give preference to associations who utilize agents or contractors with demonstrated competence and experience in operating, in whole or in part, race meetings upon which pari-mutuel wagering is conducted.

Section 437.40 Board Rules Apply

All provisions of the Act and rules and regulations of the Board shall apply to county fair associations and their agents unless the provision of the Act, rule or regulation has been waived by the Board pursuant to Section 9(n) of the Act. The Board shall grant such waivers when it determines that, based upon a preponderance of the evidence, the waiver will not decrease the safety of the race for human and equine participants, compromise the integrity of the race meeting or wagering thereon, or decrease revenue to the state.

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Certificate of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number
1010.240 Proposed Action
Amendment
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 3-100 et seq. and 2-104(b))

5) A Complete Description of the Subjects and Issues Involved:

This amendatory rulemaking allows financial institutions which participate in the Secretary of State's over-the-counter license plate sales program to post with the Secretary of State an irrevocable letter of credit in place of the bank's blanket or fidelity bond. Under the present rule's language, a fidelity bond or a certificate of deposit are required. This amendment gives the participating banks one more form of compliance for flexibility.

- 6)
- Will this proposed rule replace an emergency rule currently in effect?
- No

- 7)
- Does this rulemaking contain an automatic repeal date?
- No

- 8)
- Do these proposed amendments contain incorporations by reference?
-
- No

- 9)
- Are there any other amendments pending on this Part?
- Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1010.440	New Section	12 Ill. Reg. 16432
1010.20	New Section	12 Ill. Reg. 19642
1010.452	New Section	12 Ill. Reg. 19642
1010.455	New Section	12 Ill. Reg. 19642
1010.456	New Section	12 Ill. Reg. 19642

- 10)
- Statement of Statewide Policy Objectives:
- This amendatory rulemaking does not affect local governments.

NOTICE OF PROPOSED AMENDMENT

- 11)
- Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Philip S. Howe
Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

12) Initial Regulatory Flexibility Analysis:

- A) Date rules was submitted to the Small Business Assistance Office of the Department of Commerce and Community Affairs:

January 17, 1989

- B) Types of small businesses affected: Banks
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance:

None

The full text of the proposed amendment is as follows:

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATE OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10 Owner--Application of Term

SUBPART B: TITLES

Section
1010.110 Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate--Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors

SUBPART C: REGISTRATION

Section
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration - Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper use of Evidence of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

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Section
1010.410 Temporary Registration - Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registered Vehicles
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weigh Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Plates
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; Emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at ____ Ill. Reg. _____, effective _____.

Section 1010.240 Registration Plates To Be Furnished By The Secretary of State

- a) General Provisions
- 1) The Secretary of State may issue registration plates and/or stickers at facilities and offices maintained by him in Springfield, Chicago, or at such other locations as he may establish.
- 2) In addition, the Secretary of State may, in his discretion, cause registration plates and/or stickers to be issued by financial institutions, and applications for renewal of registrations for such vehicles as the Secretary of State may designate to be received and processed for transmittal to the Secretary of State. For that purpose, the Secretary of State may deposit Illinois registration plates and/or stickers with such financial institutions.
- 3) The Secretary may further cause registration and title applications to be serviced and remitted by licensed remittance agents to the Secretary of State, as provided in the Code.

- b) Application for Participation in the Over-The-Counter Sales Program
- 1) The Secretary of State shall accept the application of any Financial Institution to participate in the over-the-counter program, if the Secretary of State makes a determination that the establishment of the institution in the program will provide a beneficial service to the general public, be cost effective for the Secretary of State to administer for the People of the State of Illinois, and that the institution can provide sufficient security for both the handling of state fees and taxes collected and the handling and storage of registration plates and/or stickers.
- 2) In making the above determination, the Secretary of State shall consider, but not in limitation thereof, the following factors in relation to the institution:
- A) Tentative acceptance of the terms contained in the Financial Institution License Plates/Sticker Agreement between the Secretary of State's Office and the institution;
- B) Previous participation by the institution in the program and, if any, the circumstances surrounding its leaving the program;
- C) Current participation by the institution in the over-the-counter sales program at another locations(s);
- D) Submission of by the institution of a current copy of its blanket or fidelity bond, or if no such bond is maintained and the institution is a self-insurer, then a certificate of deposit payable to the Secretary of State, or a irrevocable letter of credit from a third party bank to the Secretary of State in an amount sufficient to protect the Secretary of State in the same manner as he would be protected if the blanket or fidelity bond were in force;
- E) Total passenger registration for the county;
- F) Total number of over-the-counter passenger sales in the community and county in the previous registration year;

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- G) Estimated annual registration plate and sticker sales for this location;
- H) Estimated volume of walk-in traffic at this location;
- I) Population of the community;
- J) Population of the county;
- K) Number of banks in the community currently participating in the program in relation to the total number of banks in the community;
- L) Number of savings and loans in the community currently participating in the program in relation to the total number of currency exchanges in the community;
- M) Number of currency exchanges in the community currently participating in the program in relation to the total number of currency exchanges in the community;
- N) Number of credit unions in the community currently participating in the program in relation to the total number of credit unions in the community;
- O) Location(s) of other institution(s) in the community currently in the program;
- P) Total number of institutions in the community currently in the program;
- Q) Financial stability;
- R) Total full time and part time employees at proposed selling location;
- S) Selling location if different from main location;
- T) Selling area within the institution;
- U) Business days and hours the institution is open to the public.

3) Miscellaneous Provisions

- A) Over-the-counter program, for purposes of this rule, shall mean the program wherein the Secretary of State, by contractual agreement, authorizes a financial institution to

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sell license plates and/or renewal stickers to the general public, at a particular location.

- B) The acceptance of any application shall, in addition to the requirements in subsection (b)(1) above, be dependent upon the applicant agreeing to all of the terms of and signing the Financial Institution License Plate/Sticker Agreement, and the institution's being in good standing and licensed by the Department of Financial Institutions or any other licensing agency, whether State or Federal which regulates the institution.

(Source: Amended at Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Financing The Installation and Maintenance of School Traffic Signals and Commercial-Industrial Traffic Signals on State Highways

2) Code Citation: 92 Ill. Adm. Code 545

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
545.100	New Section
545.200	New Section
545.300	New Section
545.400	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 11-303 through 11-313; and ch. 121, pars. 4-201.1 and 4-201.12.

- 5) A complete description of the subjects and issues involved:

Section 4-201.12 of the Illinois Highway Code requires the Department of Transportation to place, erect and maintain on highways all traffic control devices and signs authorized by this Code or by Chapter 11, Article III of the "Illinois Vehicle Code". This includes commercial-industrial and school signals on State routes. Section 4-101.1 of the Illinois Highway Code requires the Department to determine and adopt rules, regulations and specifications for State highways consistent with this Code.

Part 545 is being proposed because there is no rule on financing the installation and maintenance of school traffic signals and commercial-industrial traffic signals on State highways. This proposed rule is a means of equitably allocating the cost of installing, operating and maintaining these signals.

Local agencies and school boards on occasion request installation of traffic signals for children at school crossings on State routes. Likewise, local and private agencies often request traffic signals at entrances to commercial-industrial facilities such as shopping centers and factories where substantial numbers of motorists and/or pedestrians exit from or enter onto State highways. Due to the expense involved in installing and maintaining these traffic signals, a methodology is needed to review these requests to determine if they are valid. Also, since both school signals and commercial-industrial signals serve

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

select groups instead of the public in general, a means is needed whereby costs may be apportioned among the benefiting parties.

The Department is proposing Part 545 as a means of evaluating requests for these special signals to: 1) determine if they are warranted, 2) establish the basis of financial responsibility of involved agencies, and, 3) provide requirements for operation of these signals after they are installed. This process is formalized through the signing of a joint agreement when costs are shared, or, through issuance of a permit by the Department when the entire cost of the installation is borne by the local agency or school board.

Section 545.300 concerns school traffic signals. When a local agency or school board wants school traffic signals installed on a State highway it must submit a resolution to the Department requesting the installation. To qualify for installation certain traffic criteria known as "warrants" must be met to justify their installation. This Section refers to these warrants, which are based on availability of alternate crossing locations, speed and volume of traffic, number of school children crossing the street and availability of gaps in traffic for crossing.

The cost of school signal installations is apportioned between the Department and the local agency or school board. This cost is apportioned based on benefits derived by each party and includes the cost of installation, modernization, adjustment and maintenance. Energy (electrical) costs are assigned to agencies based on availability of power sources and electrical costs. The apportionment of costs is written into an agreement signed by the Department and the local agency or school board. This agreement and Section 545.300(e) contain the procedures for billing the local agency or school board.

Section 545.300 also contains the design and operations requirements for school signal installations. The local agency and school board are required to remove parking near the signal and provide a school crossing guard or school safety patrol to operate the signals and control the children during school crossing periods. The signals must also be maintained to a minimum prescribed level.

When a local agency or school board voluntarily assumes the

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Department's share of the costs to expedite the installation or modernization of signals a permit for the installation is issued by the Department, provided signal warrants are met pursuant to this part. A detailed discussion of the procedures established for determining the financial responsibility of agencies and the Department for school traffic signals is contained in Section 534.300.

Section 545.400 concerns commercial-industrial signals. When commercial-industrial traffic signals are requested by a local or private agency, certain traffic criteria known as "warrants" must be met. Section 545.400 refers to these warrants which are contained in the Illinois Manual on Uniform Traffic Control Devices.

Unless the work is being done in conjunction with unrelated highway construction, the entire cost of commercial-industrial signals is the responsibility of the local or private agency requesting the signals. This includes the cost of installation, modernization, adjustment and maintenance. If other roadway improvements are necessary in conjunction with the signal installation the local or private agency will also be responsible for these costs.

An agreement between the Department and a local or private agency will be required when roadway construction is carried out under contract by the Department in addition to traffic signal work. This agreement delineates financial responsibilities among the parties involved and includes the requirements of the Department relative to the operation and maintenance of the signals.

When an agreement is not required, a permit will be issued by the Department to the municipality if the signal is within the city limits. Outside the city limits the permit is issued directly to the private agency.

Section 545.400 also contains the design and operations requirements for commercial-industrial signal installations. These installations must conform with the Illinois Manual on Uniform Traffic Control Devices. This Section specifies other requirements that must be met including removal of parking. As explained in this Section, the Department shall not be held liable for accidents or damages sustained in connection with signal operation.

The Department regulates signal sequences and timing of commercial-industrial traffic signals on State highways.

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In conclusion, the Department, as required by statute, is proposing Part 545 as a means of establishing the basis of financial responsibility for the installation, modernization, adjustment, maintenance, and energy charges of school traffic signals and commercial-industrial traffic signals installed on State highways and applies whether the signals are installed by the Illinois Department of Transportation or under the terms of an agreement or a permit.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives:

This proposed rule does not create or enlarge a "State Mandate". While it includes provisions for cost sharing between the State and local governments for installation and maintenance of school traffic signals, these provisions are not mandatory but become effective only when a "joint agreement" is signed by the State and a local government for each specific location.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. Leland H. Bates
Traffic Policies Engineer
Bureau of Traffic
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-8534

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

DEPARTMENT OF TRANSPORTATION
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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

12) Initial Regulatory Flexibility Analysis:

This proposed rule does not affect small businesses. Commercial-industrial signals would not be installed for small businesses fronting on State highways. Instead these signals are typically requested by large commercial developments such as shopping centers or by large industrial firms with well over 50 employees.

This rule was submitted to D.C.C.A. on January 13, 1989.

The full text of the Proposed Rule begins on the next page:

PART 545
FINANCING THE INSTALLATION AND MAINTENANCE OF SCHOOL TRAFFIC SIGNALS AND
COMMERCIAL-INDUSTRIAL TRAFFIC SIGNALS ON STATE HIGHWAYS

Section	Introduction
545.100	Definitions
545.200	School Traffic Signals
545.300	Commercial-Industrial Traffic Signals
545.400	

AUTHORITY: Implementing Section 4-201.12 of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, par. 4-201.12), and authorized by Section 4-201.1 of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, par. 4-201.1) and Section 11-303 through 11-313 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-303 through 11-313).

SOURCE: Adopted at _____ Ill. Reg. _____, effective _____.

Section 545.100 Introduction

This Part establishes the basis of financial responsibility for the installation, modernization, adjustment, maintenance, and energy charges of school traffic signals and commercial-industrial traffic signals installed on State highways and applies whether the signals are installed by the Illinois Department of Transportation (the Department) or under the terms of an agreement or a permit. Section 545.300 establishes the procedure for determining the financial responsibility of involved agencies and the Department for school traffic signals. Section 545.400 establishes the procedure for determining the financial responsibility of local agencies, private agencies, and the Department for commercial-industrial traffic signals.

Section 545.200 Definitions

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Adjustment" - the relocation of existing traffic signals conforming to the Illinois Manual on Uniform Traffic Control Devices (MUTCD) (92 Ill. Adm. Code Part 546) that must be moved due to geometric changes to a State highway with no other work being done on the signals.

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"Commercial-Industrial Signals" - standard traffic signals at an entrance to a private development. These entrances may either be privately owned or be public roads or streets that exist essentially to provide access to developments such as shopping centers or industrial, institutional, or office sites.

"Department" - the Illinois Department of Transportation with central offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"District" - a District Office of the Illinois Department of Transportation.

"Energy Charges" - the costs of supplying electrical energy for the operation of traffic signals.

"Individual Agreement" - a document executed between the Department and a local or private agency that establishes responsibility for the installation, modernization, maintenance, and energy charges of traffic signals at a location(s).

"Installation Costs" - the construction cost of installing new signals, as well as the costs involved in the preparation of plans and performing construction inspection.

"Intersection" - the general area where two or more highways join or cross.

"Intersection Approaches" - all approach legs to an intersection, including all legs of one-way streets as if they were carrying two-way traffic.

"Joint Improvement Agreement" - a document executed between the Department and a local or private agency that establishes responsibility for a highway improvement.

"Local Agency" - a county, township, road district, unit of local government, school board or municipal government.

"Maintenance Costs" - the costs of routine maintenance on the signals, as well as emergency repairs in the event of a malfunction of the controller or physical damage resulting from accidents, severe weather, or vandalism.

"Modernization Costs" - all engineering and construction costs necessary to alter or modify an existing signal installation to bring it into conformance with the MUTCD, to satisfy a need for improvement in the operation of the signals, or to correct an

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accident problem. The modernization may include altering the operation through changes in sequencing and timing, interconnecting or coordinating the signals into a system with other signals, or modification of the physical layout of the signals.

"MUTCD" - the Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code 546).

"Permit" - a document issued by the Department authorizing a local or private agency to install and operate traffic signals according to requirements specified therein with no financial responsibility on the part of the Department.

"Private Agency" - those agencies other than the Department or a local agency.

"Private Entrance" - an intersection approach which provides access from and to a State highway solely for the purpose of serving a public or private school, commercial-industrial development, or privately owned business. This shall include any approach where a short section of right-of-way has been dedicated to a municipality as part of its street system, with the sole purpose of providing access from a State highway to the school, development, or business.

"School Board" - the Board of Education for the local school district.

"Schoolchildren" - persons below the senior high school level going to or coming from school.

"School Crossing Period" - a time period of not less than 15 minutes when children are crossing the highway while proceeding to or returning from school.

"School Signals" - traffic signals erected at established school crosswalks, either at an intersection or mid block, on the basis of a need to create gaps in the vehicular traffic stream for children to cross.

"Semi or Full Actuated Signal" - a traffic signal with part or all, respectively, of the intersection approaches having traffic detection devices that set the length of green time based on the number of vehicles entering the intersection.

"State" - the State of Illinois.

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"State Highway" - any highway under the jurisdiction of the Department, regardless of whether or not it is a marked route, that is either maintained by Department forces or maintained by others, with total or partial reimbursement by the Department.

Section 545.300 School Traffic Signals

a) Warrants

- 1) In order to warrant traffic signals at a school crossing, each of the following conditions shall be met.

- A) During each of two daily school crossing periods, the average time between gaps in traffic to permit children to safely cross the highway shall be at least one minute.

- B) During each of the same two daily school crossing periods, the number of schoolchildren crossing in one direction shall not be less than 50. When the 85th percentile speed of vehicular traffic exceeds 40 miles per hour or when the school crossing is located in an isolated community having a population of not less than 10,000, this requirement shall not be less than 35.

- C) There is no existing stop or signal control on the highway being crossed by the schoolchildren within 400 feet of the proposed school crosswalk.

- 2) The above warrants are applicable for either a mid-block or an intersection installation. The signals may be installed at mid-block if the vehicular volume on the cross street at the nearest intersection is less than 50 percent of the volume required by the Interruption of Continuous Traffic warrant for standard traffic signals specified in the MUTCD. If the vehicular volumes on a cross street within 400 feet meet the Interruption of Continuous Traffic warrant for standard traffic signals, the school signals may be located at the intersection.

b) Financial Obligations

- 1) Cost of Installation, Modernization, or Adjustment

- A) When Federal funds are used on the project, the established percentage of Federal funds will first be deducted from the total cost, then the remaining cost

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will be proportioned to each agency as described below.

B) Cost of New Installations

- i) For the installation of signals on a State highway that is being widened to add traffic lanes, the Department will be responsible for 75 percent and the local agency or school board will be responsible for 25 percent of the installation costs.

- ii) For the installation of signals on a State highway on a new alignment that separates the school from residential areas, the Department will be responsible for the entire installation cost.

- iii) For the installation of signals where there is no highway improvement but warrants are met under subsection (a), the Department will be responsible for 50 percent and the local agency or school board will be responsible for 50 percent of the installation cost.

C) Cost of Modernization or Adjustment

- i) For the modernization of existing signals with no adjustment required, the Department will be responsible for 50 percent and the local agency or school board will be responsible for 50 percent of the modernization cost.

- ii) For the adjustment of existing modernized signals required by a highway improvement, the Department will be responsible for the entire adjustment cost.

- iii) For the adjustment and modernization of existing signals not conforming to the requirements of the MUTCD and required by a highway improvement, the Department will be responsible for 75 percent and the local agency or school board will be responsible for 25 percent of the adjustment and modernization cost.

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2) Cost of Maintenance

- A) At intersections lying wholly outside the corporate limits of any municipality, the Department will be responsible for the maintenance of the signals.
- B) At intersections lying wholly or partially within the corporate limits of one or more municipalities, the Department will assume the following costs for the maintenance of signals.
- i) The total maintenance cost for all signals at intersections where the State has jurisdiction of three or more intersection approaches.
 - ii) The total maintenance cost for all signals at intersections along State highways that have average daily traffic in excess of 35,000 as shown on the latest published edition of the Department's traffic volume map.
 - iii) At all other intersections along State highways the Department and the municipalities will share in the cost of signal maintenance. The cost to the municipalities will be in proportion to the number of intersection approaches under their jurisdiction.

- C) The maintenance for school signals located at mid-block or a private entrance shall be the responsibility of the local agency or the school board with whom the agreement or permit has been executed.

3) Cost of Energy

The division of financial responsibility for energy charges for the operation of school signals will be as follows:

- A) At public road intersections lying wholly outside the corporate limits of any municipality, the Department will pay the energy charges for the operation of the signals.
- B) At public road intersections lying wholly or partially within the corporate limits of one or more municipalities, the local agency or school board with whom the agreement has been executed will be responsible for the energy charges.

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- C) At mid-block or a private entrance, the local agency or school board with whom the agreement or permit has been executed will be responsible for the energy charges.

- 4) When an agency voluntarily assumes responsibility for another agency's share of the costs in order to expedite the installation, modernization, or adjustment, such arrangements shall be included in the agreement or permit.

c) Agreement and Permits

- 1) An individual agreement between the Department and the municipality will be required for school signals located within the corporate limits of the municipality when both parties are responsible for a portion of the installation, modernization, maintenance, or energy costs. For signals located outside the corporate limits of any municipality, an agreement with a local agency or the school board will be required when there is a sharing of costs. The agreement shall delineate the financial responsibilities as established in subsection (b), Financial Obligations, and the design, operation, and maintenance requirements as established in subsection (d), Design and Operation. The agreement shall also require usage of the protected crossing by the children. If the signals are being installed as a part of a highway improvement, the joint improvement agreement covering the other parts of the improvement may also include the items relating to the signals.

- 2) A permit from the Department is required prior to the installation or modernization of school signals in those cases in which the local agency or school board is assuming all financial responsibilities. No agreement is necessary in this instance. This would occur only when a local agency voluntarily assumes the Department's share of the costs in order to expedite the installation or modernization of the signals. A permit will be issued upon receipt by the Department of a resolution from the local agency or school board requesting that a certain signal be installed, provided conditions meet the warrants established in this part.

d) Design and Operations

- 1) The design and operation of school signals shall conform to the requirements set forth in the MUTCD. In addition, the

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following conditions must also be satisfied.

- A) Pedestrian indications shall be provided for at each crosswalk established as a school crossing. A minimum of two vehicular signal faces shall be provided on the far side of the intersection or mid-block crosswalk. For mid-block installations, one of the signal faces shall be located over the roadway for each approach.
 - B) The controller shall be semi- or full-actuated unless the proposed school signals are part of a fixed-time progressive signal system.
 - C) Parked vehicles and other obstructions to the view of the signals shall be prohibited for at least 100 feet in advance and 20 feet beyond the signals.
 - D) The semi- or full-actuated signals shall operate continuously if located at an intersection. At mid-block locations, the signals shall be hooded if they are turned off during the summer months.
 - E) The use of a near-right signal is optional at both mid-block and intersection locations, but in a signal system within a municipality the use of the near-right signal shall be consistent with the rest of the system.
- 2) A trained adult or school safety patrol shall be assigned to operate the signals and control the children during school crossing periods.
 - 3) Standard of Maintenance

A) Every signal must be maintained to at least the minimum level prescribed in the MUTCD. A higher level of maintenance may be established when agreed upon by both parties to the agreement.

B) The Department will require removal of the signals upon 30 days' notice in writing in accordance with the provisions of the agreement or permit upon evidence of conditions including but not limited to: improper use, lack of school patrol or adult supervision, failure to pay electrical energy costs, failure to perform the agreed upon maintenance, or failure to modernize or adjust signals.

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C) The Department shall regulate signal sequences and control timing of all signals on State highways.

e) Billing

- 1) The agency providing the maintenance will bill the other agency for its appropriate share of the cost on a schedule determined by mutual agreement. The billing period shall not exceed one year.
- 2) The amount billed for the maintenance cost incurred shall exclude any repair costs due to damage caused by third parties which have been collected by the billing agency.
- 3) Any proposed single expenditure in excess of \$5,000 for repair of damage to a single installation must be approved by the billed party before the expenditure is made.

Section 545.400 Commercial-Industrial Traffic Signals

a) Warrants

Signals shall be installed in accordance with the requirements established in the MUTCD.

b) Financial Obligations

- 1) The entire cost for the installation, modernization, adjustment, maintenance, and energy charges of the signals; any interconnection and coordination equipment; and any necessary roadway improvements shall be the responsibility of the local or private agency. Signals installed under these warrants are not eligible for any Federal or State participation.

- 2) The signal shall be maintained either by the Department, with full reimbursement by the local or private agency, or by a municipality that is capable of proper signal maintenance.

c) Agreement and Permits

- 1) An agreement between the Department and a local or private agency will be required when roadway construction, in addition to the traffic signal work, is required and a contract for the improvement is to be let by the Department. The agreement shall delineate the financial

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responsibilities as established in subsection (b), Financial Obligations, as well as the requirements of the Department relative to the operation and maintenance of signals as established in subsection (d), Design and Operation. If the signals are being installed as a part of a highway improvement, the joint improvement agreement covering the other parts of the improvement may also include the items relating to the signals.

2) A permit will be issued for the installation of commercial-industrial signals when an agreement is not required under subsection (c). Outside the corporate limits of a municipality, permits shall be issued directly to the private agency. Within the corporate limits of a municipality, permits shall be issued to the municipality. Requests for permission to install such signals within the corporate limits of a municipality shall be submitted by the municipality in the form of a resolution.

3) The permit or agreement shall specifically allow the Department to make, or cause to be made by others, such future modifications to the signals as it shall deem necessary or appropriate, including modifications required by the addition of a street or entrance in the vicinity of the entrance for which the signals were initially installed. When modifications are necessitated by the addition of another street or private entrance, the Department will enter into a mutual agreement to prorate the cost of modification and future modernization, adjustment, maintenance, and energy costs between the local or private agency(s).

d) Design and Operation

1) The design and operation of commercial-industrial signals shall conform to the same requirements for traffic signals set forth in the MUTCD. In addition, the following conditions must also be satisfied:

- A) The controller shall be semi- or full-actuated, except where the signals are a part of a fixed-time progressive signal system.
- B) Parked vehicles and other obstructions to the view of the signals shall be prohibited for at least 100 feet in advance and 20 feet beyond the signals.
- C) Semi- or full-actuated signals shall operate continuously.

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D) The use of a near-right signal is optional; but in a signal system within a municipality, the use of the near-right signal shall be consistent with the rest of the system.

E) The Department shall not be held liable for accidents or damages sustained in connection with the operation of the signals.

2) Standard of Maintenance

A) Every signal shall be maintained to at least the minimum level prescribed in the MUTCD. A higher level of maintenance may be established when agreed upon by both parties to the agreement.

B) The Department will require the removal of the signals upon 30 days' notice in writing in accordance with the provisions of the agreement or permit upon evidence of conditions including but not limited to: improper use, failure to perform the agreed upon maintenance, failure to pay electrical energy costs, or failure to modernize or adjust the signals.

C) The Department shall regulate signal sequences and control timing of all signals on State highways.

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1) Heading of Part: Official Testing Stations

2) Code Citation: 92 Ill. Adm. Code 448

3) Section Numbers: Proposed Action:

448. Appendix A
Exhibit A
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-503, as amended by P.A. 85-1144, effective July 29, 1988.

5) A complete description of the subjects and issues involved:

This proposed amendment adds a new requirement under the Vehicle Glazing subsection (14.26). The proposed amendment incorporates provisions of P.A. 85-1144, effective July 29, 1988, which restricts window application, reflective material, non-reflective material or tinted film on vehicles manufactured during or after 1982. In addition, P.A. 85-1144 provides that tinted film is permissible on windows to the rear of the driver's seat as long as side mirrors are present on each side of the vehicle. Finally, tinted film is acceptable six inches from the top of the windshield. This proposed amendment implements the provisions described above.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

This rule will not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or

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arguments concerning this proposed rule. Written submissions shall be filed with:

Ms. Cathy Canady
Vehicle Inspection Section
Division of Traffic Safety
Department of Transportation
P.O. Box 19212
Springfield, IL 62794-9212
(217) 782-2920

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to D.C.C.A.: January 13, 1989

B) Types of small businesses affected:

Small businesses which operate applicable vehicles will no longer pass vehicle inspections unless tinting is removed from appropriate locations.

C) Reporting, bookkeeping or other procedures required for compliance:

No bookkeeping or other procedures are required for compliance with this proposed amendment.

D) Types of professional skills necessary for compliance:

Mechanical skills are necessary for compliance with this proposed amendment.

The full text of the Proposed Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SURCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

AUTHORITY: Implementing and authorized by Sections 12-711 and 12-503 of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 12-711 and 12-503, as amended by P.A. 85-1144, effective July 29, 1988), the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-101 et seq.) and Section 6-410 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410).

PART 448

OFFICIAL TESTING STATIONS

Section	
448.5	Effective Date
448.10	Address for Correspondence
448.15	Other Acceptable Certificates of Safety or Inspection
448.20	Definitions
448.30	Application Procedure for a Station Permit
448.40	Applicant Qualifications
448.50	Official Testing Station Qualifications
448.60	Lane Qualifications
448.70	Lane Classification, Requirements, and Safety Test Equipment
448.80	General Responsibility of Station Owner
448.90	Certified Safety Tester
448.100	Certificates of Safety
448.110	Official Test Procedure
448.120	Forms, Records and Reports
448.130	Supervision and Enforcement

APPENDIX A Safety Test Procedures and Specifications

Exhibit A	Testing Procedures
Illustration A	Tires
Illustration B	Tire and Steering Wheel Limits
Illustration C	Suspension Components
Illustration D	Steering Components
Illustration E	Air Suspension Components
Illustration F	Guide to Lighting Requirements
Illustration G	Glazing Chart
Illustration H	Glazing Illustrations
APPENDIX B	Trucksters (Cargo Carrying Motorcycles)
APPENDIX C	Buses - Additional Requirements
APPENDIX D	Driver Education Training Cars
APPENDIX E	Requisition for Certificates of Safety and Lane Forms
APPENDIX F	Monthly Vehicle Inspection Station Report
APPENDIX G	Report of Lost or Stolen Safety Certificates
APPENDIX H	Rejected Vehicles
APPENDIX I	Defective, Mutilated or Replacement Certificate of Safety Report
APPENDIX J	Vehicle Inspection Report
EXHIBIT A	Rebuilt Vehicles
ILLUSTRATION A	Second Division Vehicle Certificate of Safety
ILLUSTRATION B	Placement of Second Division Vehicle Certificate of Safety on Vehicle

NOTE: Bold print denotes statutory language.

Section 448.APPENDIX A Safety Test Procedures and Specifications

Exhibit A Testing Procedures

14.1 Only vehicles without cargo may be tested.

14.1.1 Vehicles having a compartmentalized body containing tools or other working equipment (such as vehicles operated by telephone, gas electric companies, etc.) which do not exceed the maximum capabilities of the testing equipment may be tested.

14.1.2 Vehicles equipped with specially fabricated attachments or fixtures designed for transporting special cargo (livestock, radio-active materials, etc.), which would require an exorbitant amount of time to dismantle, may be tested (without cargo).

14.1.3 Vehicles equipped with permanently mounted equipment (camper body, compressor, winch, or lifting device) and licensed with weight plates that do not exceed the maximum capabilities of the testing equipment may be tested.

14.1.4 If the station owner believes the total weight or size of a vehicle might damage the station or the testing equipment, he may refuse to test the vehicle. If the station owner accepts a vehicle for testing, he must assume total liability for damages to the station or the testing equipment caused by vehicle build, weight, or mass.

14.2 The component systems listed in this Appendix may be tested in any order suitable to the Certified Safety Tester provided that each component applicable to the test vehicle is tested. The test vehicle must equal or exceed the minimum specification listed for each applicable component before a Certificate of Safety is issued to the test vehicle.

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14.3 Incomplete Vehicles (Chassis, Chassis-Cab, etc., only).
An incomplete vehicle must be tested for compliance to all applicable equipment standards. If the incomplete vehicle meets all requirements a Certificate of Safety shall be issued immediately. If the incomplete vehicle does not meet all requirements (most incomplete vehicles lack adequate splash guards, rear turn signals and clearance light/reflector systems), then no Certificate shall be issued. The vehicle shall be treated as a "Rejected Vehicle", and the Certified Safety Tester shall give the second copy of the Vehicle Inspection Report to the driver to be carried by him while the vehicle is being moved for completion or repair. The test fee is due at the time of the original test. No additional fee may be charged if the vehicle is returned to the original testing station for a retest within sixty days of the original test.

- Recut - (See "Regroove").
- Regroove - The deliberate deepening of existing tread grooves or tread wear indicators by cutting, burning, or other means or the deliberate forming (by cutting, burning, or other means) of a groove or grooves other than the groove(s) molded by the tire manufacturer or retreader.
- Rim - The metal that supports a tire and that is located between the tire and either the wheel disc or the wheel spokes when on a road wheel. The rim may be integral with, permanently or temporarily attached to, or separate from the wheel.

Separation - A parting or pulling away from the adjacent portion(s) of the tire material or carcass.

Sidewall - The portion of a tire between tread and bead.

Tie Bar - Rubber that is molded across a tread groove and braces or stabilizes tread elements.

Tire Circumference - (See "Circumference of the Tire").

Tread - The thickness of tire rubber that is located outside the carcass and that normally comes into contact with the roadway as the inflated tire wears during use.

Tread Element - A distinct portion of the tread (such as a rib, lug, or knob) that comes into contact with the surface of a smooth, paved road while the properly inflated tire carries its normal service load.

Tread Groove - A 3/32 inch (2.4 mm) or wider space between adjacent tread elements.

Tread Groove Depth - The shortest distance from a plane in tangential contact with two adjacent tread elements to the

14.4 Tires and Wheels
14.4.1 Tire and Wheel definitions
Bead - That part of the tire usually made of steel wires, rubber, and ply cords that is shaped to fit the rim.

Bottom of the Tread groove - The portions of a tread groove nearest the carcass.

Carcass - The tire structure, except the tread and the portion of sidewall rubber outside the cords.

Circumference of the tire - A closed line around the tire perimeter that lies approximately in a plane perpendicular to the axis about which the tire rotates when in use.

Cord - A filament or strand of non-rubbery material woven with others or laid parallel with others to form a layer or ply in a tire carcass.

Depth of Tread - (See "Tread Groove Depth").

Groove - (See "Tread Groove").

Ply - A layer of rubber-coated parallel or woven cords,

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bottom of the tread groove that is located between the adjacent tread elements.

- Tread Wear - Indicator
- 14.4.2 Recommendation:
- The inflation pressure of each tire should be checked against the vehicle manufacturer's recommendations (see decal or owner's manual). Pressure lower or higher than recommended is not cause for rejection. All tire pressures should be correct before beginning the test.

Procedures - Tires and Wheels

- A. Inspect for tire tread wear.
1. Tires with tread wear indicators
 2. Tires without tread wear indicators: Use tread depth gauge. Do not measure on a tire-bar, groove hump, fillet, or tread wear indicator.
 3. Tires without tread wear indicators and with noncircumferential grooves, or "spaces," between the tread elements (as in snow, mud, lug, knob, or traction treads): If tire has tread wear
- Reject Vehicle If:
1. Tread wear indicators contact the road in any 2 adjacent grooves at 3 equally spaced intervals around the circumference of the tire (Fig. 14-2).
 2. Tread groove depth is less than 2/32 inch in any 2 adjacent grooves at 3 essentially equally spaced intervals around the circumference of the tire. (Fig. 14.3).
 3. Tread groove depth is less than 2/32 inch when measured in a major groove at a point half way between the center of the tire and the outside of the tread at 3 essentially equally spaced intervals around

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indicators, use procedure No. 1.

4. Tires with treads that are bald, partially bald, cupped, dishd, or unevenly worn.

Agency Note: "Bald" means without a groove (See definition of groove).

the circumference of the tire. (Fig. 14-4 and 14-5).

4. The lateral width of any bald area (measured across the tire between bordering grooves) is 1/4 or more of the tread width (measured across the tire between the outer edges of the outermost tread elements). Dimension "B" in Fig. 14-5 is 1/4 or more of dimension "T".

- Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords.
 - A broken or cut cord can be seen. Rubber is worn, cracked, cut, or otherwise deteriorated or damaged so that a cord can be seen -- either when the tire is not touched or when the edges of the crack, cut, or damage are parted or lifted by hand. (Fig. 14-6).
 - Inspect for evidence of tread or sidewall separation.
 - Inspect for regrooved or recut treads.
 - Tire has bump, bulge, knot or other evidence of partial carcass failure, air seepage, or loss of adhesion between carcass and tread or sidewall.
 - Tread has been regrooved or recut on a tire that does not have the word "REGROOVABLE" molded on or into both sides of the tire. (See definition of "recut" and "regroove").
- Agency Note: Federal standards (49 CFR 369) require tires marked "REGROOVABLE" to have sufficient tread rubber that, "After regrooving, cord material below the grooves shall have a protective covering of tread material at least 3/32-inch thick."

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- E. Inspect tires for legible markings showing size designation and carcass construction.

Agency Note: "R" in size designation shows radial construction. More plies at tread than sidewall shows belted construction. Same number of plies at tread and sidewall, without a belted or radial indication, shows plain bias construction.

- E. A tire on a road wheel does not exhibit a legible size marking and a legible construction marking.

- F. Inspect tires for size designation and for matched construction.

Agency Note: "Construction" refers to bias, bias-belted, or radial arrangements of ply cords in the tire carcass.

- F. Tires on the same axle are either not the same size designation, or not an equivalent size designation recommended by the vehicle or tire manufacturer. A tire of bias or bias-belted construction is installed on any road wheel of a vehicle equipped with a tire of radial construction on any road wheel.

- G. Inspect each dual tire assembly.

- G. A tire exceeds the diameter (not width) of its mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.

- H. Inspect valve stems.

- H. A valve stem leaks; or is cracked; or is either damaged or positioned so as to hamper pressure checking or inflation; or shows evidence of wear because of misalignment.

- I. Inspect tire and road wheel assemblies.

- I. A tire or wheel is rubbing against any portion of the suspension, chassis, or body.

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- J. Inspect all wheel and rim bolts, nuts, studs, lugs, locking rings, etc. Each cover, cap, or decorative ring that obscures any of these items must be removed prior to the inspection.

- J. Any wheel or rim securing device such as a nut, bolt, stud, lug, ring, or other type securing device is loose, missing, or cracked.

- K. Inspect for visible wheel damage.

- K. Wheel locating hole(s) are elongated, oversize, or "wallowed out". Any part of a wheel or rim is cracked, repaired by welding or rewelding, or damaged so as to cause unsafe operation of the vehicle.

14.6 Steering, Alignment and Suspension

The steering system of the vehicle must be inspected to determine if excessive wear and/or maladjustment of the linkage and/or steering gear exists. Vehicle must be tested on a dry surface. On vehicles equipped with Power Steering, the engine must be running and the Power Steering fluid level and belt tension on the Power Steering unit must be adequate before testing.

Procedure - Steering and Alignment Reject Vehicle If:

A. Power Steering

A.

1. Inspect power steering belts for proper condition and tension.
2. Visually inspect gear, hoses, tubes, connector, cylinders, valves, pump, and pump mounting.

1. Belts are badly frayed or cracked on inner edge.

2. Any hose, tube, or connector has been rubbed by moving parts; leakage at any point in the system; gear, pump mounting, or connector is loose or broken.

3. Inspect fluid level in reservoir. (Wipe dirt from cover before removing).

3. Fluid below recommended level.

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- B. Binding or Jamming
Turn steering wheel through a full right and left turn and feel for binding or jamming conditions.
- C. Lash or Free Play. (Fig. 14-7).
- B. Binding or jamming occurs other than at stops.
- C. A point on the steering wheel moves more than the value shown in Table 14-1 before perceptible return movement of the wheel under observation.

Table 14-1. Steering Wheel Free Play Values

Steering wheel maximum diameter (inches)	Lash (inches) measured at maximum circumference
18 or less	2
18	2 1/4
20	2 1/2
22	2 3/4

- D. Column Jacket and Support Bracket
Visually inspect to determine that column support bracket is properly tightened and all bolts are present.
- E. Steering Shaft Movement.
Grasp steering wheel with both hands and attempt to move vertically
- F. Steering Wheel
Inspect steering wheel condition.
- D. Column support bracket is not properly tightened or bolts are missing.
- E. Steering shaft moves up and down.
- F. Any spokes are missing or if reinforcement is exposed.

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- G. Horn Control
Inspect for presence of horn control.
- G. Horn control is missing.
Horn not audible (Note - Horn button, ring, or other control may be located anywhere in cab that is readily accessible to driver).
- 14.7 The steering system and related linkage and parts must be inspected to determine possible wear or damage at all points.
- 14.8 Wheel bearings out of adjustment can cause wander, erratic front brake action, and noise due to interference of parts.

Procedure - Wheel Bearings

Reject Vehicle If:

With the front end of the vehicle lifted so as to load any ball joints, grasp the front tire top and bottom. Rock it in and out, and record movement. To verify that any looseness directed is in the wheel bearing, notice the relative movement between the brake drum or disc and the backing plate or splash shield. (Fig. 14-8).

Agency Note: Wheel bearing play can be eliminated by applying service brakes.

- 14.9 "Out of limits" linkage free play might cause wheel shimmy, erratic brake action and steering control problems. Make sure any looseness detected is not wheel bearing free play by applying service brakes during the inspection of this item. (Driver or person other than Certified Safety Tester may apply service brakes).

Procedure - Steering Linkage

Reject Vehicle If:

- A. For trucks with single "I" beam or tube type front axle, hoist truck
- A. Measurement is found to be in excess of:

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under axle. For trucks with twin "I" beam type front axles or with "A" frame" control arms, each axle or arm must be hoisted independently, as shown in Figs. 14-9 and 14-10 so as to load the ball joints. Grasp front and rear of tire and attempt to shake assembly right and left to determine linkage looseness. Record movement at extreme front and rear of tire (Fig. 14-11).

Rim Diameter

16" or less 1/4"
17" and 18" 3/8"
over 18" 1/2"

Agency Note:

Excessive looseness in the steering suspension on all General Motors light duty trucks should not be confused with the normal idler arm movement. Use of the proper diagnosis and checking procedures is essential to prevent needless replacement of the idler arm. This type of idler arm (Fig. 14-12) uses a rubber bushing designed to hold the arm in alignment with the stud end, and will exhibit a noticeable movement or lash when an excessive amount of pressure is applied to the end, even when the part is brand new. If excessive looseness is detected when performing the inspection in paragraph 14.10A and that looseness is traced to the idler arm, then the following checking procedure is required.

- a. Raise the vehicle in such a manner as to allow the front wheels to rotate freely and the steering mechanism freedom to turn. Position the wheels in a straight ahead position.
- b. Using a push-pull type spring scale located as near the relay rod end of the idler arm as possible, exert a 25 lb. force upward and then downward while noticing the total distance the end of the arm moves. This distance should not exceed 1/8" (Fig. 14-13). It is necessary to insure that the correct load is applied to the arm since it will move more when higher loads are applied. It is also necessary that a scale or ruler be rested against the frame and used to determine the amount of movement since

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observers tend to over-estimate the actual movement when a scale is not used.
Agency Note: Jerking the right front wheel and tire assembly back and forth thus causing an up and down movement in the idler arm is not an acceptable method of checking since there is no control on the amount of force being applied.

Procedure - Steering Linkage

Reject Vehicle If:

- B. ON "I" beam axle system inspect tightness of pitman arm and all steering linkage. Drag link and tie rod ends must be mechanically locked by cotter pin or other element.
- B. Excessive play is found in drag link, tie rod ends, steering box, etc.

14.10 Proper Use of Wheel Alignment Indicator.

1. Those vehicles whose front axle has independent suspension should not be driven over the wheel alignment indicator immediately after the front end has been raised. A false reading may occur if the vehicle front end is lowered and then within a few feet driven across the alignment indicator. The front wheels will not have had sufficient distance to resume their normal tracking. The vehicle should either be raised after crossing the wheel alignment indicator or should be backed up ten feet or more before being driven forward across the indicator.
2. Sagging springs, broken torsion bars, worn or deteriorated bushings, loose shackles, or "U" bolts mislocated or loose can cause vehicle instability and/or brake pull.

14.10.2 Saagging Springs

Procedure - Wheel Alignment

Reject Vehicle If:

- A. Springs
Visually inspect front and rear for broken leaves or bar damage. Inspect spring shackles, bushing, "U" bolts, steering stops, and
- A. Springs or torsion bars are broken. Shackles or "U" bolts worn or loose. Center bolt in springs sheared or broken. Steering stops allow tire to rub on frame or metal. Any leaves are cracked, or shackle, shackle

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center bolt in springs.
(Front end may have to be jacked up to perform this inspection.)

pins, hangers, or "u" bolts are worn or loose.

14.11 Excessive toe-in or toe-out is a general indication that complete check should be made of all front wheel alignment factors (caster, camber, steering axis inclination). (Fig. 14-14).

Procedure - Toe-In, Toe-Out

Reject Vehicle If:

A. Toe-In, Toe-Out (Fig. 14-15).

A. More than 30 feet per mile on the approved side slip indicator.

With wheels held in a straight ahead position, drive vehicle slowly over the approved drive-on side slip indicator.

14.12 Shock Absorbers

Procedure - Shock Absorbers

Reject Vehicle If:

A. With vehicle on level surface, bounce one corner of vehicle and determine the number of times vehicle bounces before leveling off.

A. Vehicle continues bouncing more than two cycles, indicating loss of shock absorber function.

B. With vehicle on a hoist or jacked up, visually inspect shock absorbers for excessive leakage, looseness of mounting, brackets, and bolts.

B. Severe leakage (not slight dampness) occurs.

C. Physically grab upper and lower portion of shock inspecting for looseness in rubber bushing, mounting brackets, or bolts.

C. Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.

14.13 Air Suspension: Inspection of such systems consists mostly of checking for air leaks, proper height, and ride level. Most commercial buses, some trucks and trailers will have this type of suspension.

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Caution: Certified Safety Tester is not to use a creeper underneath vehicle because there may not be enough room when air is drained from bellows.

Procedure - Air Suspension

Reject Vehicle If:

A. Vehicle should be properly jacked or positioned over pit; drain entire system of air, start engine and observe air pressure gauge. Determine pressure at which air begins to lift vehicle to normal position.

A. Air begins to flow into system before 55 P.S.I. is indicated on pressure gauge.

(Agency Note: Pressure regulator valve should not allow air into the system until at least 55 P.S.I. is in braking system.)

B. With air at normal operating pressure, observe height and level of vehicle relative to ground surface. (This will indicate function of pressure and height control valves.)

B. Vehicle is resting on one or both axles, or the vehicle is not level (tilting to left or right).

C. With air in system at normal operating pressure, inspect hoses, connections, bellows for leaks and excessive deterioration. (Open air operated doors and apply service brakes fully.) (Fig. 14-16 and 14-17.)

C. Air leakage rate is greater than 3 P.S.I. in 5 minute time period.

D. Retractable axle(s). With air in system at normal operating pressure activate the axle lift control switch, to the "up" and "down" positions to check function.

D. Axle fails to respond properly to the axle lift control switch.

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14.14 General Lamp - Inspection Limits - General lamp inspection includes the following types of lamps: head, tail, stop, license, clearance, signal, marker, and identification.

14.15 Vehicle Lighting.

Procedure - Lights and Lamps

Motor vehicles require the following:

1. Head lamps: 2 or 4 white or amber
2. Turn signals: (front) white or amber
3. Turn signals: (rear) 2 red or amber.
4. Turn signals: (front) 2 double face (front lens white or amber, rear lens red or amber.)
5. Tail lamps: 2 red, one each on left and right rear.
6. Stop lamps: 2 red, one each on left and right rear. (Vehicles manufactured before 1968 may have 1 red stop lamp.)
7. Registration plate lamp: 1 white.
8. Parking lights: (front) white or amber. (Vehicles manufactured before 1968 may have 1 parking light on front.)
- Agency Note: Tail lamps must operate in conjunction with front headlights and parking light(s).

Reject Vehicle If:

- A. Any bulb in any required lamp or light fails to function properly.
- B. An improperly connected circuit does not light the proper filaments for the different switch 2 positions.

- C. A lens is cracked, broken, or missing.
- D. A lens is rotated, upside down, wrongside out, or is otherwise incorrectly installed.

- E. A lens marked "left" or "right" is not appropriately installed.

- F. A headlamp or fog lamp has dirt or moisture inside, any obvious discoloration, contamination, or reflector deterioration.

- G. A lamp or light is not securely fastened to the vehicle.

- H. A lamp or light shows a beam of color contrary to law or regulations.

- I. There are any defects in wiring or lighting equipment that would be likely to influence adversely the

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effectiveness of the lighting performance.
J. Any auxiliary equipment placed on, in, or in front of the head lamp is not a part of the original approved equipment.

Agency Note: Clearance and identification lights are not required to operate off of same switch as head lamps.
K. Beam indicator lamps do not indicate the proper beam to the driver and do not function properly.

L. Any lamp or lens is turned or inclined so that its light is not properly directed.

M. Tail lamps and registration plate lamp are not wired to the switch which operates the headlamps and the auxiliary driving lamps if vehicle is so equipped.

N. Area where lamp or light is mounted is so rusted or damaged that instability of lamp or light results and correct aim may not be maintained.

O. Parking lights fail to function properly.

14.15.1 Electrical Wiring.

Procedure - Electrical Wiring

Make visual check

Reject Vehicle If:
Wiring is frayed (including wiring from tractors to trailers or other towed vehicles.)

14.15.2 Special Requirements for Medical Transport Vehicles (MTV)

If an MTV passes each test as required in Appendix A of this Part, plus the special tests of this subsection, that MTV is to receive a Certificate of Safety (C/S). (The C/S is to be applied to the vehicle. Section 13-101 of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 13-101) requires each MTV to be safety tested, even when the MTV is a first division vehicle.) First division vehicles are defined as

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"Those motor vehicles which are designed for the carrying of not more than 10 persons." (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-217)

Definitions:

Medical Transport Vehicle. "Includes ambulances, medical carriers, and rescue vehicles." (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-142.2)

Ambulance. "Any publicly or privately owned vehicle which is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless." (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-102.01)

Medical Carrier. "Any publicly or privately owned vehicle which is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the nonemergency transportation of persons for compensation for the purpose of obtaining medical services." (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-142.1)

Rescue Vehicle. "Any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as for the emergency/transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless." (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-224)

Rescue Squad Vehicle. "A vehicle specifically designed, configured, and equipped for the performance of access and extrication from hazardous or life-endangering situations. However, if such vehicles have emergency medical transport capability they must be classified as rescue vehicles as defined in Section 1-224." (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-223)

- A. 1. Each ambulance shall display special ambulance registration plates. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-1421(a)5)
2. Each ambulance and each rescue vehicle shall have a loud siren producing an audible signal of an

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intensity of 100 decibels at a distance of 50 feet from the siren, and with a lamp or lamps emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle, and these lamps shall have sufficient intensity to be visible at 500 feet in normal sunlight. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-1421(a)2)

3. Report the testing of a Rescue Vehicle by marking item C in Field #2 of the Vehicle Inspection Report (See Section 448. Appendix J).

Procedure: Reject Vehicle If:

Check registration Ambulance does not display special plates on Ambulance. "Ambulance" plates.

Check Rescue Vehicle Required siren or lamp is absent or not or Ambulance for in working condition.
required siren and lamp.

- B. 1. A Medical Carrier is not an emergency vehicle. It shall not have a siren, whistle or bell. However, it may have a back-up alarm.

2. A Medical Carrier may have a yellow (amber) oscillating, rotating, or flashing lamp if it carries a copy of written authority issued by a county board, by a municipality, or by some other board or body that, under the constitution and laws of Illinois, also has authority to enact traffic laws. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-215(b)8 & 1-140)

3. A Medical Carrier may have auxiliary turn signals on the roof, or lower, if those signals are at the same height on each side. Front turn signals shall be yellow or white. Rear turn signals shall be either yellow or red. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-208(b)) Auxiliary turn signals shall be actuated only by the same control that actuates the regular, or standard, turn signals.

4. All turn signals may flash simultaneously on both sides to indicate the presence of a vehicular traffic hazard which requires unusual care in approaching,

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overtaking, or passing. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-212(b) and 11-804(d)) Auxiliary (top) and standard (bottom) turn signals may alternately flash top and bottom, but not alternately right and left. Any auxiliary turn signals shall be actuated by the same control that causes the regular, or standard, turn signals to flash simultaneously on both sides as a vehicular hazard signal.

Procedure:

Reject Vehicle If:

Check Medical Carrier for siren, whistle, or bell.

A siren, whistle, or bell is present. (Do not reject because of back-up alarm.)

Check Medical Carrier for oscillating, rotating or flashing lamp(s).

An oscillating, rotating, or flashing lamp;
Is present without legal written authority in the vehicle, or
Is authorized but is not yellow.

Check turn signals, especially any auxiliary turn signals.

Any turn signal is at wrong height, or
Any turn signal is wrong color, or
All turn signals do not operate from same control.

Check vehicular hazard warning system. (Sometimes called "4-way flashers.")

Lamps flash alternately right and left, or
Any upper or lower pairs of turn signals do not flash simultaneously, or
All turn signals are not actuated by the same "hazard" control.

C. A Rescue Squad Vehicle is not a Medical Transport Vehicle. (See Definitions in this subsection.) Test and report a Rescue Squad Vehicle as an ordinary truck, bus, or first division vehicle as the case may be. Do not issue a Certificate of Safety to any Rescue Squad Vehicle of the first division that might be submitted to a safety test.

14.16 Lamps: Clearance, Identification, and Side Marker. (Fig. 14-18).

The following vehicles or combinations shall be equipped with two (2) yellow or amber clearance lamps on the vehicle front, one on each upper front corner, and with three red identification lamps in a horizontal line on the rear of the vehicle.

14.16.1 Every single vehicle longer than 25 feet.

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14.16.2 Every combination of vehicles longer than 25 feet.

14.16.3 Every single vehicle wider than 80 inches.

14.16.4 Every combination of vehicles wider than 80 inches.

Procedure - Lamps: Clearance Identification, and Side Marker
Make visual check

Reject Vehicle If:

It exceeds the preceding dimensions and is not properly equipped.

Agency Note: The following safety devices shall be excluded from the measurement when measuring any vehicle to determine the vehicle width: (a) exterior, side-mounted mirror assemblies; (b) side-mounted turn signals; (c) front and rear bumpers; (d) flexible fender skirts or mouldings; (e) side-mounted clearance lamps and reflectors; and (f) any other light(s) or device(s) required for safety purposes.

14.17 Reflectors - Front. (Fig. 14-18).

Those vehicles with the dimensions listed in 14.16.1, 14.16.2, 14.16.3, and 14.16.4 shall be equipped on each front lower corner of the body with one yellow or amber reflector mounted within 12 inches of the lower left and right corners respectively with the reflective surface facing toward the direction the vehicle travels in forward motion.

Procedure - Reflectors - Front

Reject Vehicle If:

Make visual check

Not properly equipped, or the reflectors are cracked, broken, or missing.

14.18 Reflectors - Side. (Fig. 14-18).

Every vehicle longer than 20 feet and every trailer or semitrailer with a gross weight rating more than 3,000 pounds (registration plate Class TB or heavier) shall be equipped with reflectors on each side of the vehicle, mounted 15 inches to 60 inches from the surface of the road, with the reflector surface facing approximately at a 90 degree angle from the body as follows:

14.18.1 Yellow (amber) at each 1/3 point (approximately), or

14.18.2 Yellow (amber) within 12 inches of front, and red within 12 inches of rear, and yellow (amber) at midpoint (approximately) if 30 feet long, or longer.

Procedure - Reflectors - Side
Make visual check
Reject Vehicle If:
Not properly equipped, or the reflectors are cracked, broken, or missing.

14.19 Reflectors - Rear. (Fig. 14-18).

The following vehicles or combinations shall be equipped on each rear lower corner of the body with one red reflector mounted within 12 inches of the lower left and right corners respectively with the reflective surface facing toward the direction from which the vehicle came when in forward motion.

- 14.19.1 Every single vehicle longer than 25 feet.
- 14.19.2 Every combination of vehicles longer than 25 feet.
- 14.19.3 Every vehicle wider than 80 inches.
- 14.19.4 Every combination of vehicles wider than 80 inches.
- 14.19.5 Every trailer which has a gross weight (trailer or semitrailer plus load) of more than 3,000 pounds.

Procedure - Reflectors - Rear
Make visual check
Reject Vehicle If:
Not properly equipped, or the reflectors are cracked, broken, or missing.

14.20 The reflectors shown on the side view and the identification lamps shown on the rear view of tractors (Fig. 14-18) are required equipment if the tractor operates alone (bobtail) during darkness.

14.21 Headlamp Aim.

Before checking beam aim, the Certified Safety Tester shall:

- (1) Remove ice or mud from headlights.
- (2) See that no tire is noticeably deflated.
- (3) Check springs for sag or broken leaves.
- (4) Check functioning of any "level-ride" control.

- (5) Clean lenses.
- (6) Check for bulb burn out and proper beam switching.
- (7) Rock the vehicle sideways.

Agency Note: Vehicles in use today generally are equipped with one of two types of headlighting: The quad headlight system consisting of four 5 3/4 in. dia. sealed beam units or the two headlight system consisting of two 7 in. dia. sealed beam units.

In the quad system, two lamps, identified by "1" on the lens, are single filament lamps and provide the majority of the upper beam light. The other two lamps, identified by "2" on the lens, contain two filaments each. One filament operates in conjunction with the type "1" lamp and supplement the upper beam by providing fill-in light. The other filament provides the entire lower beam light.

The 7 in. dia. type "2" lamp, identified by "2" on the lens, contains two filaments. One filament produces the upper beam and the other produces the lower.

All type "2" lamps, regardless of size, must be aimed and tested on low beam.

Use approved Calibrated headlamp tester according to manufacturer's instructions. It shall be in good repair and calibration.

Procedure - Headlamp Test
Reject Vehicle If:

A. Upper Beam Aim
A. Headlamp out of aim.

Applies only to 5 3/4 inch Type "1" sealed beam headlamp units.

B. Lower Beam Aim.
B. Headlamp out of aim.

The following type headlamp units are to be tested only on the lower beam:

- 1. 5 3/4 inch-Type "2" sealed beam, or
- 2. 7 inch-Type "2" sealed beam.

14.22 Frame, Cab, and Body.

Procedure - Frame, Cab and Body
Reject Vehicle If:

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- A. Inspect frame and cross member assembly of chassis.
- B. Visually check cab and body attachment.
- C. Check fuel tank(s) to make certain secured to vehicle, and that cap(s) are present and capable of being tightened.
- D. Proper functioning of tractor 5th wheel (if vehicle so equipped).
- E. Protruding Objects.
- Inspect for torn metal parts, moldings, etc., which may protrude from vehicle.
- F. Bumpers.
- Inspect bumpers for hazardous condition or unsafe mounting. (If vehicle is so equipped, inspect rear bumper.)
- G. Fenders.
- Inspect for removal of front or rear fenders.
- H. Doors.
- Inspect door latches, locks, hinges, and handles for proper
- A. Frame or cross member is broken or missing.
- B. Body bolts or brackets (to chassis) are loose, broken or missing; body spacer block missing or body not level with chassis; cab or body is loose on chassis.
- C. 1. Fuel tank(s) leaking; not secured properly; cap(s) missing, leaking, or not able to be tightened.
2. Fuel tank has been added to the interior of a "van" type truck.
- D. Cracked or operating mechanism is loose, jams, or has badly worn locking jaws.
- E. Torn metal, glass, or other loose or dislocated parts protrude from the surface of the vehicle so as to cause a safety hazard to pedestrians or cyclists.
- F. The front bumper is missing, loosely attached, or protruding creating a hazard to pedestrians, cyclists, or other vehicles. (The rear bumper, if vehicle is so equipped, is loosely attached, or protruding creating a hazard to pedestrians, cyclists, or other vehicles.)
- G. Any fender is missing.
- H. Doors or door parts are missing, broken, or sagging so that the door cannot be properly operated.

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operation, fastening, bad adjustment, broken or missing component. (Try doors and locks.)

Agency Note: Vehicles originally designed and built with doors, must have doors.

- I. Hood.
- Open hood and inspect safety catch for proper operation. Close hood and inspect for proper full closure. Check hinges for proper operation.
- J. Floor, Fire Wall, and occupant compartment.
- Inspect floor, fire wall, and occupant compartment.
- K. Seat(s)
- Inspect seat(s) for proper operation of adjusting mechanism and to see that they are securely anchored to floor.
- I. Hood does not open or hood latch does not securely hold hood in its proper fully-closed position. Secondary or safety catch does not function properly. Hinge is broken, missing, or not attached to body.
- J. Floor, fire wall, or any part of occupant compartment contains holes which would cause a hazard by permitting exhaust gases to enter the occupant compartment.
- K. Seat(s) not securely anchored to floor or adjusting mechanism slips out of position when braking or steering.

14.23 Mirrors.

Every motor vehicle should be equipped with an inside rearview mirror and an outside rearview mirror mounted on the left side of the vehicle, both of which should have at least 3 square inches of reflective surface and be so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle.

Any vehicle submitted to a safety test that is either defective, equipped, or constructed so that a driver does not have a clear view of the highway for a distance of at least 200 feet to the rear of such motor vehicle by means of an inside mirror shall be equipped with two outside mirrors; one on the right side to the vehicle and one on the left side to the vehicle and each mirror

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should have at least 3 square inches of reflective surface and be so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such motor vehicle.

Procedure - Mirrors

A. Exterior Rearview Mirror.

From the driver's position visually inspect exterior mirror on driver's side for a clear and reasonable unobstructed view to the rear. Look for correct location, stable mounting, cracks, sharp edges, unnecessary protrusion.

B. Interior rearview mirror

From the driver's position, visually inspect interior mirror for proper mounting, location, cracks, sharp edges, and ease of adjustment.

C. If interior rearview mirror does not provide a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle, an exterior rearview mirror with at least 3 square inches of reflective surface shall be located on the right side of the vehicle. (See Sec. 14.23A of test procedures.)

14.24 Windshield wipers.

Every bus, truck, and truck tractor, having a windshield, shall

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be equipped with windshield wiper blade(s) equivalent to manufacturer's original equipment specifications.

Procedure - Windshield Wipers

Reject Vehicle If:

- A. Operate wipers. (If vacuum operated, engine must be idling and control full on.)
 - A. Wiper(s) fails to operate for full stroke, or will not return to proper "park" position out of driver's critical view area when shut off. Wiper(s) smears or severely streaks windshield.
- B. Inspect rubber element of blade(s).
 - B. Blade(s) exhibits damaged, torn, hardened, or physical breakdown of rubber wiping element.
- C. Inspect metal parts of wiper blade(s) or arm(s).
 - C. Parts of blade(s) or arm(s) are missing, severely damaged, or contacting glazing.
- D. Raise arm away from windshield and release.
 - D. Arm fails to force the blade to contact the windshield firmly.

14.25 Windshield Washers.

All vehicles produced after January 1, 1969, must be equipped with windshield washer systems. Any vehicle manufactured prior to this date is not required to have a washer system, but if so equipped, they must be in operating condition.

Procedure - Windshield Washers

Reject Vehicle If:

- A. Inspect for proper operation of hand or foot control and an effective amount of fluid delivered to the outside of the windshield opposite each outboard front seating position.
 - A. 1. System fails to function.
 2. Fluid in system is frozen.
 3. System not capable of cleaning an effective wash area.

Agency Note: System must function when temperature is both above and below the freezing point. Low fluid level is not a cause for rejection, but advise driver.

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14.26 Vehicle Glazing.

Vehicle Glazing (glass) originally installed in a vehicle must be marked with a manufacturer's Trademark and followed by the words "AMERICAN STANDARD," or the letters "AS" followed by a number which indicates the location in which that particular glass may be used, in accordance with the following table.

- 14.26.1 If a vehicle is equipped with a replacement glazing which is unmarked, the vehicle owner or driver must show an invoice, work order, or receipt from the glass installer which states that safety glazing was installed, the grade of glazing used (AS1, AS2, etc.) and the vehicle location (left vent glass, windshield, etc.). If the Certified Safety Tester is satisfied that the proper type of glazing is now installed, the vehicle should not be rejected because of replacement glazing. When a vehicle is rejected for a defective piece of glazing the Certified Safety Tester should inspect the replacement piece of glazing during the retest for the proper marking (AS1, AS2, etc.).

Procedure - Vehicle Glazing
Inspect

- A. For materials in window openings other than glass.
A. Plywood, cardboard, or other opaque material is used in any window not blocked by permanently installed body or equipment.
B. Glazing not installed in nonblocked window or improper grade of glazing installed.

Agency Note: See Table 14.2 and vehicle glazing guide (Fig. 14-19).

- C. Condition of glass.
1. Windshield - Critical area (i.e., those areas swept or wiped by the full proper length of the blade(s) of a

- C. 1. There are scratches or abrasions in the critical area which are more than 1/2 inch wide and more than 6 inches in length. There are any "spider webs" or holes in the critical

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properly functioning windshield wiper.)

area. There are any "star chips" or "bullseyes" (stone nicks) larger than 1 1/2 inches in the critical area. There is a crack where an edge can be felt on the wiper side of the windshield in the critical area. Discoloration extends more than 3 inches up from the bottom, or more than 1 inch in from the right or left sides, or more than 1 inch down from the top. (Fig. 14-19).

2. Side Vents, Front Door Windows, and Side Windows.

2. Left front door window will not roll completely down for driver to give hand and arm signals. Discoloration in the vents, front door windows or side windows extends more than 3 inches up from the bottom. There are any cracks or sharp edges which permit the glass to be moved or the edges of which could inflict a cut or injury. Glazing is in such defective condition or repair as to prevent the driver's clear view to either side.

3. NonBlocked Rear Window. (See Sec. 14.23).

3. Discoloration or breakage of nonblocked rear glass does not permit a clear view at least 200 feet to rear of vehicle and two outside rearview mirrors are not provided. There are any cracks or sharp

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edges which permit the glass to be moved or the edges of which could inflict a cut or injury. Glazing is in such defective condition or repair as to directly impair the driver's view to the rear and two outside rearview mirrors are not provided.

- D. For posters, labels, or advertising.
- D. There is any sign, poster, or other nontransparent material on the front windshield, side wings, or side or rear windows which would materially obstruct, obscure, or impair the driver's clear view of the highway or any intersecting highway.

E. For window application, reflective material, non-reflective material or tinted film on vehicles manufactured during or after 1982.

E. There is any window application, reflective material, nonreflective material or tinted film upon the front windshield (past 6 inches from top), side wings or side windows immediately adjacent to each side of the driver on vehicles manufactured during or after 1982.

Tinted film is permissible on windows to the rear of the driver's seat. If tinting is present, the vehicle must be equipped with side mirrors on each side.

Tinted film is acceptable 6 inches from top of windshield.

Tinted film extends past 6 inches from top of windshield. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-503, as amended by P.A. 85-1144, effective July 29, 1988)

Exhaust and Fuel Systems.

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The Exhaust System includes the manifold(s) and piping leading from the exhaust ports of the engine to and including the muffler(s) resonators, and the tail piping.

The Fuel System includes the fuel tank(s), fuel pump, and necessary piping to carry the fuel from the tank to the carburetor.

Procedure - Exhaust and Fuel System Reject Vehicle If:

Inspect

- A. Exhaust System.
- A. 1. There are loose connections or leaking joints.
2. There are holes (other than manufacturer's) or rusted through places.
3. Parts of system are not securely fastened.
4. Muffler cutout, bypass, or similar device that allows excessive noise is present. (Noise is excessive if vehicle emits more noise than with original equipment.)
5. Any part of exhaust system passes through the passenger compartment.
6. Exhaust system on any "van" type truck does not extend to outside edge of unit or exhaust system on any other truck does not extend beyond the passenger compartment.
7. Any exposed exhaust stack, so located as to endanger pedestrians or cyclists by burning,

does not have a protective shield or insulated lining to prevent such burns.

B. 1. There is fuel leakage at any point in the system.

2. Any part of the system is not securely fastened.

3. Any additional fuel tanks added to the interior of van type truck.

14.28 Brake Systems.

14.28.1 Definitions.

Axle
The mechanical arrangement that transmits vehicle weight to those wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

Emergency Brake
The system used for stopping the vehicle in the event of a malfunction in the service brake system.

Parking Brake
The system used to hold and maintain a vehicle in a stopped position.

Service Brake
The system routinely used for slowing or stopping a moving vehicle by dissipating energy at drums or discs near the road wheels.

Tandem Axle
Any two or more consecutive axles whose centers are more than 40 inches and not more than 72 inches apart, measured to the nearest inch between any two adjacent axles in the series.

14.28.2

General Statutory Requirements for Brakes.

A. Every motor vehicle shall be equipped with two (2) separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. Reject noncomplying vehicles.

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B. Every motor vehicle shall be equipped with service brakes on all wheels except any truck, tractor or motor vehicle having 3 or more axles need not be equipped with brakes on the front wheels unless there are 2 steerable axles, 1 of which shall have brakes on the wheels. Reject noncomplying vehicles.

C. Any motor vehicle having more than one axle which has 2 wheel brakes only shall be rejected.

D. Any trailer or semitrailer with a gross weight of 5,000 pounds or more shall have service brakes on all road wheels. Reject noncomplying vehicles.

E. Any trailer or semitrailer with a gross weight of 5,000 pounds or more shall be equipped with brakes so designed and connected that in case of an accidental breakdown from the towing unit the brakes are automatically applied. Reject noncomplying vehicles.

14.28.3 Static Safety Tests for Brakes

Procedure - Brakes

Reject Vehicle If:

A. Inspect all portions of drums, A. Drum or disc is cracked discs, and linings that are through to ventilated surface. Rivet, shoe, or pad backing is rubbing disc or drum. Lining is worn past wear indicator, if vehicle is so equipped.

B. Hydraulic system.

1. Vehicle with brake system failure indicator as part of original equipment*. Apply parking brake and start engine, or follow other procedure recommended by manufacturer. Verify the indicator lamp is operable.

1. Lamp fails to light when proper procedure is followed.

*Required by federal rule, on cars manufactured after 12/31/67; on other motor vehicles manufactured after 8/31/75.

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2. Apply heavy force (about 125 lbs. or as in a "panic" stop) to brake pedal for 15 seconds with engine running on vehicle equipped with power assist brakes. Do not "pump" pedal.
 3. Check master cylinder reservoir fluid level (remove cover only if necessary). Visually inspect master cylinder, backing plates and/or calipers, connectors, hoses, and tubes.
 4. Visually check hose and tube supports.
- C. Vacuum System.
1. Inspect tank(s), chambers, hoses, connectors, clamps, and air cleaner.
 2. Inspect supports and attachments.
- C. 1. Any component is restricted, collapsed, scraped, cracked, loose, or broken. Air cleaner is clogged sufficiently to prevent proper air intake.
2. Any support or attachment is broken. Any connecting line or other component is not attached or supported so as to prevent damage from scraping or rubbing frame, axle, other line, or any other part of vehicle.
3. Low of fluid. Leakage of brake fluid. Visible leakage of axle lubricant onto drum, disc or lining. Incorrect connector, hose or tube installed. Badly scraped, leaking, restricted, crimped, cracked, or broken connector, hose or tube. Hose or tube either not properly attached and supported or in abrasive contact with other hose, tube, connector, the frame, axle, or any other part of the vehicle.

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3. Inspect for tractor-trailer brakes working in conjunction.
 4. With engine off, repeatedly apply service brakes until vacuum is destroyed; with medium pressure on foot pedal, start engine; release brake and operate engine until maximum vacuum is established; stop engine; apply service brakes, hard.
- Agency Note: Brakes on towed unit(s) of combination vehicles must be connected and operated during this test.
5. Apply brake; start engine; after 1 minute of running engine check "Low Vacuum" indicator, if vehicle is so equipped.
- D. Air System
1. With air system fully charged, open all drain cocks in system until gauge indicates zero pressure. Note pressure at which "Low Pressure" warning is given.
 2. Close drain cocks and run engine at fast idle. Record time to raise air pressure from 50-90 PSI on gauge.
 3. Continue running engine and observe gauge pressure when governor cuts out.
- D. 1. Low pressure warning device (light or buzzer) fails to function before pressure is lowered to 50 PSI.
2. Time required to build pressure from 50-90 PSI at fast idle is more than 5 minutes.
 3. Governor cut-out pressure is higher than 135 PSI or vehicle manufacturer's maximum recommendation.
 4. Reservoir pressure drops below 80% of initial gauge reading.
3. Brakes do not work together off of one pedal.
 4. Foot pedal does not fall away from foot when engine is started; insufficient vacuum reserve to permit one full service brake application after engine is off without actuating "Low Vacuum" indicator; valve or diaphragm leaking.
 5. Indicator shows "Low Vacuum".

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5. Start engine; charge system until governor cuts out; with engine idling, make a series of brake applications and observe gauge pressure when governor cuts in.
6. Hoses, tubes, connectors, tanks, chambers, supports and attachments, air cleaner, safety valves, and air compressor belt.
 - 6.1 Hose, tube, or connector is leaking, restricted, scraped, or broken.
 - 6.2 Support or attachment is broken or connecting line is not attached or supported so as to prevent damage from scraping frame, axle, other line, or any other part of vehicle.
 - 6.3. Any audible leak in system.
 - 6.4 Safety valve inoperative.
 - 6.5 Compressor drive belt badly worn, frayed, or without sufficient tension.
 - 6.6 Compressor air intake cleaner closed.
 7. Pressure drop in 1 minute is more than 3 PSI for single vehicle
4 PSI for 2 vehicle combination
5 PSI for 3 vehicle combination
- E. Electric System.

Loose or dirty connections. Broken, frayed, or unsupported wires. Broken supports.

Inspect supports, connections, and wires.
- F. Parking and Emergency Brake
 1. Not equipped with parking and emergency brake(s). Operating mechanism does not hold

Note: These may be either two separate systems or combined

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- into one system.
1. Apply operating control fully.
 2. See that actuating mechanism fully releases.
- parking brake in the applied position after hand, or foot, is removed from control lever.
2. Actuating mechanism not fully released when parking brake release control is operated properly.
- G. Breakaway devices (trailers and semitrailers over 5,000 pounds.)
- Disconnect trailer or semitrailer brake system so as to actuate breakaway device(s). Try to move trailer or semitrailer.
- H. Separate means of braking.
- Each braking system must apply brakes to at least 2 wheels.
- Separate means are interconnected.
- Agency Note: Micro-Brakes are not considered a separate means of braking.
- I. Visible mechanical components of all systems listed in B, C, D, E, F, G, and H.
- Inspect all pins, cotter pins, loose parts, springs, rods, yokes, clevises, eyes, couplings, anchor pins, cables, connections, spring clips, brackets, etc.
- 14.29 Dynamic Brake Performance Tests.
- 14.29.1 Using a drive-on pad-Type brake tester
- Caution: Check to see that vehicle has stopping ability before testing.
- When using a Pad-Type Tester, a tandem axle consisting of 2, 3, or more axles may be tested as one unit to determine braking performance. When using a Pad-Type Tester for

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testing brakes on the towing unit of a combination vehicle, it is recommended that the brakes on the towed unit(s) be made inoperative or the towed unit(s) disconnected from the towing unit.

When using a Pad-Type Tester for testing brakes on a towed unit of a combination vehicle, brakes on the towing unit must not be operated.

Procedure - Drive-On Pad Type Tester Reject Vehicle If:

A. Drive vehicle or unit onto brake machine pads at 4-8 M.P.H. and with engine disconnected apply service brakes to bring vehicle to halt. Do not lock wheels. Note the braking forces registered by the brake test machine.

A. Machine does not register a total braking force at least 60% of the empty weight of the vehicle.

(E.W. x .60 = Minimum Total Force.)

Example:

Empty weight of vehicle 4,000 lbs.

Percent x .60

Minimum Total Force 2,400 lbs.

B. Braking force at wheel(s) on the side registering the lower braking force is less than 80% of the higher braking force at wheel(s) on the opposite side of the same axle, or the same tandem axle.

Example:

Reading at the side of tandem producing the higher reading 6,000 lbs.

Percent x .80 lbs.

Minimum acceptable reading at the other side of tandem 4,800 lbs.

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C. Drive vehicle onto brake machine pads at 4-8 M.P.H. and bring vehicle to a halt by applying the Emergency Brake (i.e., the 2nd of the 2 separate means of applying brakes).

C. Braking force is less than 20% of the empty weight of the vehicle or there is more than 20% variance (i.e., "low" side is less than 80% of "high" side on same axle or tandem).

14.29.2 Using a Roller Type Brake Tester

When using a roller type tester, each axle must be tested separately to find the correct braking performance. Transmission must be in neutral position when testing service brakes on any drive axle.

Procedure - Roller Type Tester

Reject Vehicle If:

A. Driver front axle onto rollers. Start roller motor. Apply Service Brakes, but do not lock wheels.

B. Repeat the above step for each axle.

A. Braking force at wheel(s) on "low" side is less than 80 % of the braking force at wheel(s) on "high" side.

B. Braking force at wheel(s) on "low" side is less than 80 % of the braking force at wheel(s) on "high" side.

C. Total of all braking forces is less than 60% of empty weight of the vehicle.

D. Total of all braking forces is less than 20% of the empty weight of the vehicle, or braking force wheel(s) on "low" side is less than 80% of braking force at wheel on "high" side.

14.30 Emergency Warning Devices.

A. Three (3) red electric lanterns and two (2) red cloth flags not less than 12 inches square, with standards adequate to maintain the flags in an upright position; or

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- B. Three (3) portable bidirectional red emergency reflectors (triangles or other shape) that meet requirements of the Federal Bureau of Motor Carrier Safety for equipment prior to 1/1/74 (i.e., 49 CFR 393.95(f)) and two (2) red cloth flags not less than 12 inches square, with standards adequate to maintain the flags in an upright position; or
- C. Three (3) bidirectional, fluorescent reflective, day-night emergency triangles which are either marked "DOT" or certified to comply with Federal Motor Vehicle Safety Standard No. 125 (i.e., 49 CFR 571.125); or
- D. Three (3) liquid burning flares (pots), three (3) fuses, each of which is capable of burning 15 minutes, and two (2) red cloth flags not less than 12 inches square, with standards adequate to maintain the flags in an upright position.

14.30.2 Any vehicle which transports explosives, flammable liquids, or compressed gas or which used compressed gas as a fuel shall not carry any flares, fuses, or signals produced by flame. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-702(b)). Therefore, such vehicle shall be equipped in accordance with 14.30.1 A, B, or C.

Procedure - Emergency Warning Devices Reject Vehicle If:

- A. Emergency warning devices.
A. One of the required sets of emergency warning devices described in 14.30.1 is not present, or the emergency warning device kit is incomplete, or the components do not comply with 14.30.1 or 14.30.2.
Note: A vehicle which carries liquid burning flares (pots) MUST in addition carry three (3) 15-minute fuses. A fusee may not be substituted for a flare, reflector, or electric lantern. Fusees may be carried in addition to set 14.30.1 "A", "B", or "C", ONLY when the answer to the following question is "NO".
B. Does vehicle either transport explosives, or Answer is "YES" and vehicle carries a fusee, flare,

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- flammable liquids, or flame lantern, or other emergency device capable of giving a signal produced by flame.
fuel? (Ask driver or determine correct answer by other means.)

14.31 Safety Chains

Every full trailer, every auxiliary axle, and every semitrailer not equipped with a fifth wheel must be equipped with two (2) safety chains or cables of sufficient size and strength to prevent the towed vehicle from parting from the drawing vehicle in case the drawbar should break or become disengaged. This applies only outside of a business, residential, or suburban district, or on a controlled access highway. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 15-110(b))

Procedure Safety Chains

Visually check for safety chains on full trailer, auxiliary axle, or semitrailer without 5th wheel. Ask driver if vehicle is towed outside of a business, residential, or suburban district, or on a controlled access highway.
Reject Vehicle If:
Answer is "YES" and towed vehicle is not equipped with two (2) safety chains or cables of sufficient size and strength to prevent the towed vehicle from parting from the drawing vehicle.

14.32 Splash Guards.

Every vehicle of the second division, except a truck-tractor, pole trailer, or vehicle in transit, must be equipped with rear wheel splash guards, either of the contour type or the flap type.

Procedure - Brakes

Reject Vehicle If:

- A. Width of splash guards.
A. Not as wide as the tread of the tire(s).
B. For required number.
B. Not equipped with two.
C. Condition of splash guards.
C.1. Damaged or not securely fastened.
C.1. "T" Bar or some other similar device not installed to properly restrain flap type splash guard. (This excludes

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those marked anti-sail).

14.33 Spare Tire

A spare tire is not required. All exterior spare tire(s) (and wheels) must be visually and physically inspected to be sure that the spare tire(s) (and wheels) is (are) securely fastened to the vehicle.

Procedure - Spare Tire

Reject Vehicle If:

- A. Visually check spare tire bracket, chains, mountings, wing nuts, supports, tire well, cables, etc., are damaged, badly pitted, or supports, tire well, cables, etc. not able to securely fasten each spare tire (and rim) to vehicle.
- B. Physically grab tire(s) and try to dislodge tire(s) from its location.

14.34 Audible Alarm on Garbage or Refuse Hauler

A. Effective on January 1, 1987, an audible alarm is required on each vehicle equipped with either:

1. A self-compactor for garbage or refuse hauls, or
2. A roll-off hoist and roll-on container for garbage or refuse hauls.

B. The alarm device shall be mounted on the outside of the vehicle. It shall be aimed to direct sound primarily into the space behind the vehicle. The device shall be located within the rear 1/3 of the vehicle's length. (Agency Note: "Vehicle's length" includes any permanently affixed body, tailgate, or special container handling or carrying equipment but does not include a roll-on roll-off container or the powered unit in a combination of vehicles.)

C. The alarm device shall be activated whenever the transmission control is in a reverse position and the engine is running. During each safety test a vehicle identified in subsection A-2 must carry one of its roll-on roll-off containers, without cargo, unless its alarm system

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is arranged to operate with and without a container in place.

D. The alarm device shall be controlled automatically, either inside or outside the device, so that when activated it emits 1-2 pulsations of sound each second (60-120 per minute). "On" and "off" times shall be about equal. An alarm "cut-off" or separate "squench" control is prohibited. Any sound level (or "squench") control on or in the alarm device shall conform to subsection G.

E. The emitted sound shall be loud enough to alarm drivers and pedestrians behind the truck. The tone of the emitted sound shall differ distinctly from the tones of traffic horns usually installed on the front part of a vehicle.

F. The alarm device and its connections and controls shall be constructed or protected so as to withstand unfavorable environmental conditions, including extremes of weather and temperature (-35 degrees F -- 170 degrees F), moisture, road splash, abrasion, vibration, and dust. (Testing against all these requirements usually cannot be conducted in an Official Testing Station. However, the passing of a safety test shall not be construed as condoning the installation of any device or system that fails to alarm when in service under such extreme or unfavorable conditions. See the last paragraph of Section 13-101 in the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 13-101).)

G. The Department incorporates by reference the criteria and standards recommended in Society of Automotive Engineers Recommended Practice SAE J994b, May 1974, "Performance, Test, and Application Criteria for Electrically Operated Backup Alarm Devices." Copies of SAE J994b, May 1974, may be obtained at the following two locations:

1. SAE Headquarters, Society of Automotive Engineers, 400 Commonwealth Dr., Warrendale, PA 15096
2. American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018

This incorporation by reference does not include any earlier or later editions or amendments.

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The alarm device shall conform to each criterion and standard recommended in the above-referenced SAE J994b for a Type A, B or C device, as the case may be. Any manual sound level control shall not reduce sound below the levels specified for a Type C device. Any automatic sound level control shall adjust sound to at least 5 decibels above the surrounding noise level but no higher than the maximum levels specified for a Type A device, and may reduce device sound below the levels specified for a Type C device. Wording in SAE J994b such as "should", "should be", "it is recommended" or similar nonmandatory wording shall be read as setting forth a mandatory requirement. This does not exclude any option or alternative specified in SAE J994b. Each alarm device shall bear a permanently affixed label or nameplate that:

Identifies its manufacturer;

Identifies the type or types of device (e.g., Type A, Type B, Type A-C manual, Type A-E automatic, Type C, etc.); and States the device conforms to each applicable SAE J994b criterion.

This label or nameplate shall constitute the manufacturer's certification to the People of the State of Illinois that the device conforms to this subsection G.

H. In addition, on a vehicle identified in subsection A, either the backup alarm or a separate alarm shall be activated automatically whenever the engine or motor that operates the refuse handling equipment is running and before a top-hinged tailgate has opened more than 6 inches. The alarm shall remain activated until parts return to within 6 inches, or less, of the normal position for traveling. A separate alarm system, if installed, shall conform to all requirements in subsections B and D-H except the SAE J994b6.2 requirement for activation by transmission control.

Procedure - Alarm Test

Reject Vehicle If:

Inspect for alarm:

Alarm system does not conform to each requirement.

Mounting, aim, & location (B); Label or nameplate wording: "On" in reverse while engine runs Is wrong or incomplete, or (C);

Indicates Type D or E on alarm

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"On" & "off" frequency & times; with;
(D) No sound adjustment, or
Manual sound adjustment.

Loudness & tone (E);
"Cut-off" or "squench" control (D);
Secure & connections protected (F);
Label or nameplate wording (G);
"On" before a top-hinged tailgate opens 6 1/64 inch (H).

14.35 Tow Trucks

A tow truck is every truck designed or altered and equipped and used to push, tow, or draw vehicles by means of a crane, hoist, towbar, towline or auxiliary axle, or to render assistance to disabled vehicles. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-205.1). Notice that type of registration is not mentioned in this definition.

A) Every tow-truck that is not owned by a governmental agency (i.e., federal, state or local) shall have a sign on each side with:

- 1) Letters at least 2 inches in height, that
- 2) Contrast with color of background, and show
- 3) Name, address, and telephone number of either its owner or its operator.

B) Every tow-truck shall carry at least:

- 1) 1 Broom,
- 2) 1 Shovel,
- 3) 1 Trash can at least 18 inches in height, and
- 4) 1 Fire extinguisher that displays:
 - a) Rating of 4-B:C or larger, and
 - b) Approval by underwriters laboratories or by other laboratory qualified by the Division of Fire prevention for approving fire extinguishers.

C) Every tow-truck cab shall contain a certificate of either bond or insurance. The Certificate shall show liability coverages of:

- 1) \$100,000 or more for injury of any one person and \$300,000 or more for injury of persons in any one accident, plus
- 2) \$50,000 or more for damage to property other than a towed vehicle, plus

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- 3) \$15,000 or more for damage to any vehicle towed by the owner or operator shown on the sign required by subsection (A) or towed by the governmental agency that operates the tow-truck. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-606)

Procedure

Inspect truck and equipment to determine whether it is a tow-truck for tow-truck classification.

Check each tow-truck for:

Identification signs (vehicles owned by governmental agencies are exempt) Not properly identified,

Broom, shovel, trash can, fire extinguisher (must meet size and rating requirements)

Certificate and Coverages

Not properly equipped, or

Not properly Certified and Covered

Reject Vehicle If:

Does not meet requirements for tow-truck classification.

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Illustration A Tires

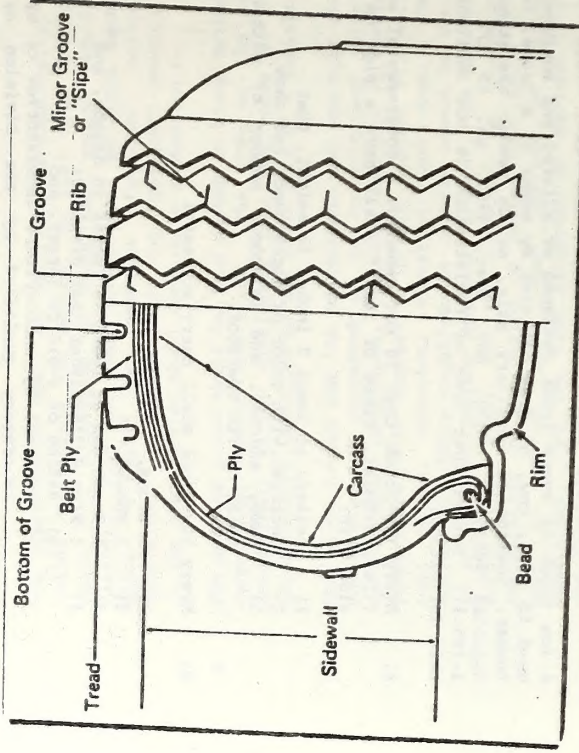


Fig. 14-1



Fig. 14-2

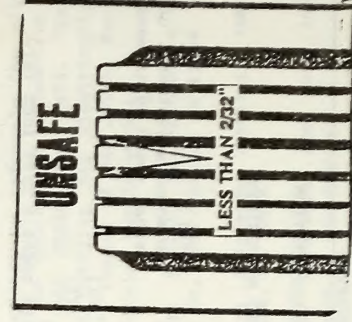


Fig. 14-3

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Illustration B Tire and Steering Wheel Limits

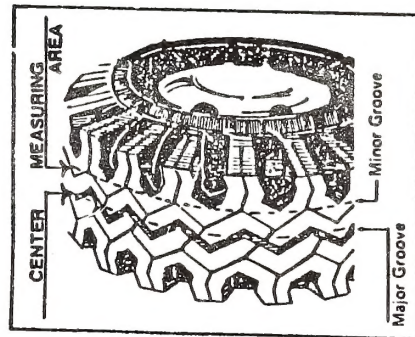


Fig. 14-4

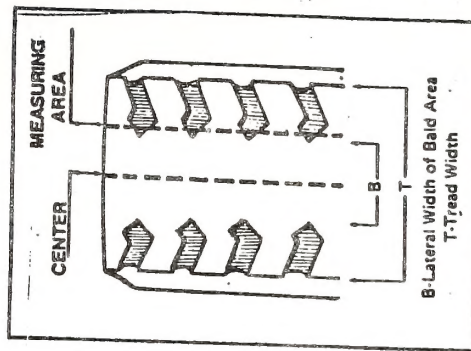


Fig. 14-5

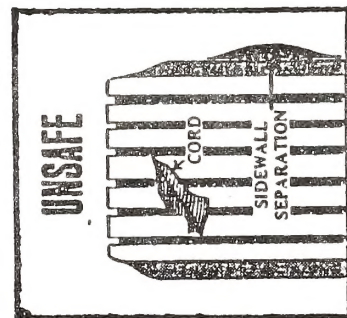


Fig. 14-6

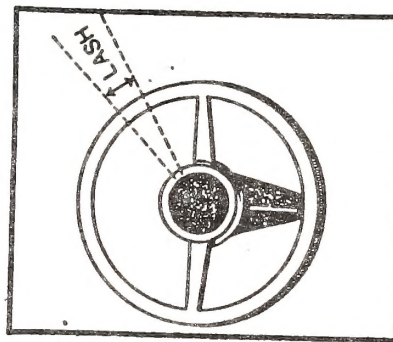


Fig. 14-7

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Illustration C Suspension Components

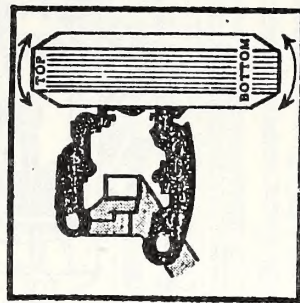


Fig. 14-8

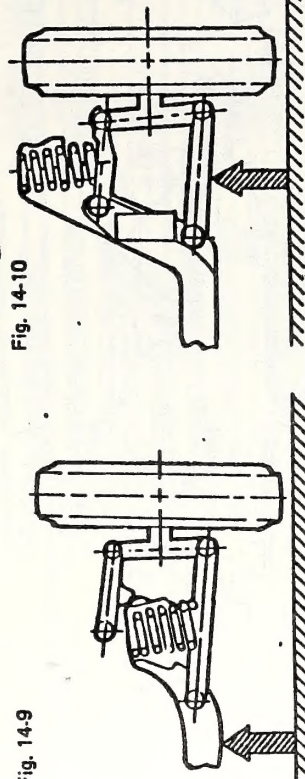


Fig. 14-10

Fig. 14-9

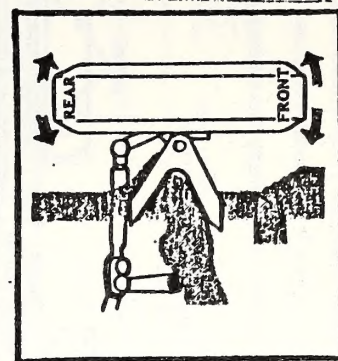


Fig. 14-11

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Illustration E Air Suspension Components

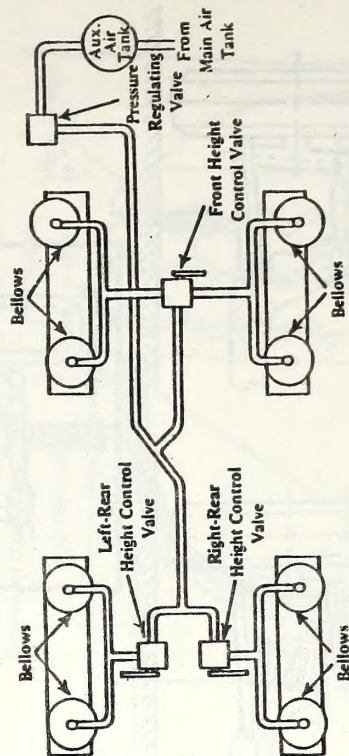


Fig. 14-16

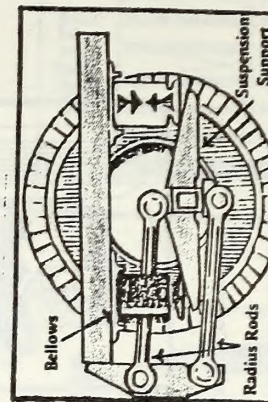


Fig. 14-17

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Illustration D Steering Components

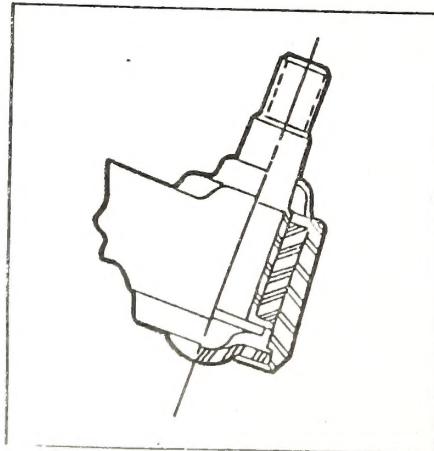


Fig. 14-12

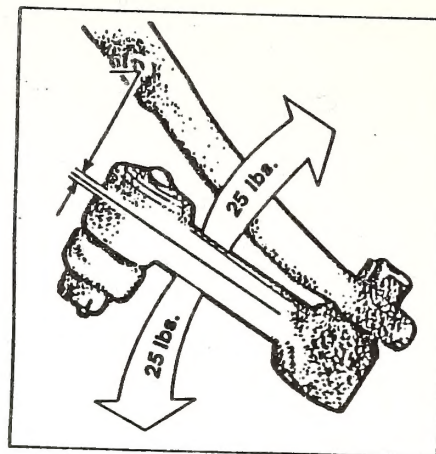


Fig. 14-13

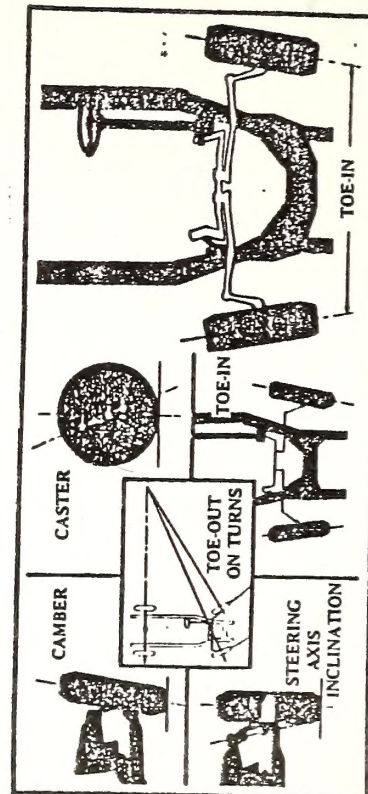


Fig. 14-14

Fig. 14-15

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

Illustration F Guide to Lighting Requirements

Illustration C Glazing Chart

side to cleave, dentification, side marker lamps and electric switches mounted on every car.

[illegible]Table 14.2
Reaction of Glucose in Motor Vehicle

	Glazing Material Applicable When the Window is "AS" Designation Indicated Below	At Positions Not needed for Driving Visibility		At Positions Not needed for Driving Visibility	
		1, 10	1, 10	1, 10	1, 10
PASSENGER CARS	Windshields	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11, 12, 13		
	Interior Partitions, Auxiliary Wind Deflectors				
	Flexible Curtains, Readily Removable Windows, Vent- lators Used in Conjunction with Readily Removable Curtains, Rear Windows in Tops of Convertible Cars	1, 2, 4, 6, 10, 11	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13		
	Openings in Roofs Not Required for Driving Visibility	1, 2, 10, 11	1, 2, 3, 4, 5, 10, 11, 12, 13		
	All Other Glazing Except as Listed Above		1, 2, 3, 10, 11		
TAXICABS	Windshields	1, 10	1, 10		
	Interior Partitions, Auxiliary Wind Deflectors,				
	Windows in Rear Doors	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11, 12, 13		
	Openings in Roofs Not Required for Driving Visibility	1, 2, 4, 6, 10, 11	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13		
	Flexible Curtains, Readily Removable Windows, Vent- lators Used in Conjunction with Readily Removable Windows	1, 2, 4, 6, 10, 11	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13		
	All Other Glazing Except as Listed Above	1, 2, 10, 11	1, 2, 3, 10, 11		
TRUCKS AND TRUCK TRACTORS	Windshields	1, 10	1, 10		
	Windows to Immediate Right and Left of Driver	1, 2, 10, 11	1, 2, 3, 10, 11		
	Rearmost Window	1, 2, 8, 10, 11	1, 2, 3, 4, 5, 9, 10, 11, 12, 13		
	Glazing to Rear of Driver Where Other Means to Afford Visibility of the Highway is Provided	1, 2, 4, 8, 10, 11	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13		
	Folding Doors	1, 2, 4, 8, 10, 11	1, 2, 3, 4, 5, 9, 10, 11, 12, 13		
	All Other Glazing Except as Listed Above	1, 2, 10, 11	1, 2, 3, 10, 11		
BUSES	Windshields	1, 10	1, 10		
	Glazing to Immediate Right and Left of Driver	1, 2, 10, 11	1, 2, 3, 10, 11		
	Rearmost Window	1, 2, 8, 10, 11	1, 2, 3, 9, 10, 11		
	Interior Partitions and Auxiliary Wind Deflectors	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11, 12, 13		
	Folding Doors	1, 2, 4, 8, 10, 11	1, 2, 3, 4, 5, 9, 10, 11, 12, 13		
	Slatted Windows	1, 2, 4, 8, 10, 11	1, 2, 3, 4, 5, 9, 10, 11, 12, 13		
	Openings in Roof Not Required for Driving Visibility	1, 2, 4, 6, 10, 11	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13		
	Flexible Curtains, Readily Removable Windows, Vent- lators Used in Conjunction with Readily Removable Windows	1, 2, 4, 6, 10, 11	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13		
	All Other Glazing Except as Listed Above	1, 2, 3, 10, 11	1, 2, 3, 10, 11		
HOUSE TRAILERS, SLIDE-IN CAMPERS, PICK-UP SHELLS, PROPERTY-CARRYING TRAILERS	All Glazing		1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13		
	Windshields	1, 6, 10, 11	1, 6, 7, 10, 11, 12, 13		
MOTORCYCLES, and TRUCKSTERS					

Only at heights less than 15 inches above top of operator's seat when seat is in lowest position.

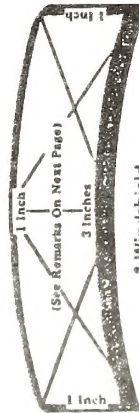
ILLINOIS COMMUNITY COLLEGE BOARD
NOTICE OF ADOPTED AMENDMENTS

Illustration H Glazing Illustrations

VEHICLE GLAZING GUIDE

Positions

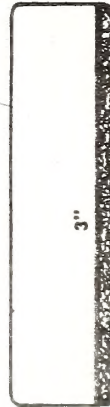
Markings



See Table 14.2



See Table 14.2



See Table 14.2

Fig. 14-19

(Source: Amended at Ill. Reg. _____, effective _____)

- 1) The Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers: 1501.509
Adopted Action: amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 122, Par. 102-16
- 5) Effective Date of Amendments: January 13, 1989
- 6) Does this Rulemaking contain an Automatic Repeal Date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 23, 1988
- 9) Notice of Proposal Published in Illinois Register?
October 14, 1988 12 Ill. Reg. 16313
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In subsections, the numbers were more concisely written as suggested by the Administrative Code Unit.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: According to Ill. Rev. Stat. 1987, Ch. 122, par. 102-16, "Economic development grants shall be distributed to each community college district..." (emphasis added). The Board has determined, therefore, that an application for receipt of grant funds is not required. In the past, the "application" was used by the Board staff to assist college personnel in development of grant budgets for the upcoming year. The colleges have now been administering the grants for several years and have become proficient at proper budgeting.

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16) Information and questions regarding these adopted rules shall be directed to:

Christine Merrifield, Director
Governmental Relations
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0085

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section
1501.101
1501.102
1501.103
1501.104
1501.105
1501.106
1501.107
1501.108
1501.109
1501.110
1501.111
1501.112
1501.113

Definition of Terms
Advisory Groups
Rule Adoption (Recodified)
Manuals
Advisory Opinions
Executive Director
Information Request (Recodified)
Organization of ICCB (Recodified)
Appearance at ICCB Meetings
Appeal Procedure
Reporting Requirements
Certification of Organization
Administration of Mandatory and Voluntary Annexations and New District Formations

SUBPART B: RECOGNITION

Section
1501.201
1501.202
1501.203
1501.204
1501.205

Definition of Terms
Recognition Provisions
Evaluation
Review and Appeal
Recognition Standards

SUBPART C: PROGRAMS

Section
1501.301
1501.302
1501.303
1501.304
1501.305
1501.306
1501.307
1501.308
1501.309

Definition of Terms
Units of Instruction, Research, and Public Service
Program Requirements
Statewide and Regional Planning
College, Branch, and Extension Centers
State or Federal Institutions (Repealed)
Cooperative Agreements and Contracts
Reporting Requirements
Course Classification and Applicability

SUBPART D: STUDENTS

NOTICE OF ADOPTED AMENDMENT(S)

Section

1501.401 Definition of Terms
1501.402 Admission of Students
1501.403 Student Services
1501.404 Academic Records
1501.405 Student Evaluation
1501.406 Reporting Requirements

SUBPART E: FINANCE

Section

1501.501 Definition of Terms
1501.502 Financial Planning
1501.503 Audits
1501.504 Budgets
1501.505 Non-Resident Student Tuition Calculations
1501.506 Published Financial Statements
1501.507 Credit Hour Grants
1501.508 Disadvantaged Student Grant
1501.509 Economic Development Grants
1501.510 Reporting Requirements
1501.511 Chart of Accounts
1501.514 Business Assistance Grants (Repealed)
1501.515 Advanced Technology Equipment Grant
1501.516 Repair and Renovation Grants

SUBPART F: CAPITAL PROJECTS

Section

1501.601 Definition of Terms
1501.602 Approval of Capital Projects
1501.603 State Funded Capital Projects
1501.604 Locally Funded Capital Projects
1501.605 Project Changes
1501.606 Progress Reports
1501.607 Reporting Requirements
1501.608 Approval of Projects in Section 3-20.3.01 of the Act
1501.609 Completion of Projects Under Section 3-20.3.01 of the Act

SUBPART G: STATE COMMUNITY COLLEGE

Section

1501.701 Definition of Terms
1501.702 Applicability
1501.703 Recognition
1501.704 Programs
1501.705 Finance
1501.706 Personnel
1501.707 Facilities

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART H: PERSONNEL

Section
1501.801 Definition of Terms
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Article II and Section 3-20.3.01 of the Public Community College Act (Ill. Rev. Stat. 1987, ch. 122, pars. 101-1 et seq. and 103-20.3.01).

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984 for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984 for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989.

SUBPART E: FINANCE

Section 1501.509 Economic Development Grants

- a) A minimum of \$30,000 of each district's Economic Development Grant shall be used to operate a business assistance center or economic development office, that is, expenditures specified in subsections Sections 1501-509(d)(1), 1501-509(d)(5), 1501-509(d)(6), 1501-509(d)(7), 1501-509(d)(8), and 1501-509(d)(9).
- b) No more than twenty-five (25) percent of each district's Economic Development Grant may be used for expenditures of equipment as specified in subsections Sections 1501-509(d)(4) and 1501-509(d)(9)(A).
- c) Economic Development Grant activities include the following:
 - 1) Conducting customized training programs for new or existing business and industry through the following activities:
 - A) Developing and offering customized industrial or commercially-sponsored courses.
 - B) Establishing apprenticeship or internship programs with area business and industry.

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- 2) Providing the following employment training services training for unemployed or underemployed adults to improve their job skills and assist them in seeking employment.
 - A) Establishing and/or operating career counseling and testing programs.
 - B) Providing job placement assistance.
 - C) Conducting courses and workshops which are not claimed for credit hour grant funding.
- 3) Cooperate with other economic development entities (such as chambers of commerce, economic development commissions, and local governments) involved in commercial and industrial expansion and/or retention to:
 - A) Provide assistance through special courses, workshops, and conferences to area business and industry and economic development entities on such topics as training; financing; starting, and operating a business; contract procurement; purchasing and accounting; and use of computers.
 - B) Identify and develop educational programs needed by business and industry for emerging occupations.
 - C) Obtain the use of equipment from business and industry for employment training programs.
 - D) Assist with the conduct of an assessment of the area's assets and liabilities in attracting and retaining business and industry.
 - E) Assist with the conduct of an industrial retention survey to assess the need for training or other assistance by area business and industry.
 - F) Provide appropriate training assistance or services determined necessary by surveys or assessments.
 - G) Help to market the area to prospective business and industry.
- d) The following are allowable expenditures for Economic Development Grant funds:
 - 1) Personnel. Salaries and benefits for the following personnel based on the percentage of time they spend on economic development activities.
 - A) Administrative and support staff of the business assistance centers or economic development offices.
 - B) Counselors that provide employment and educational counseling to unemployed or underemployed individuals.
 - C) Instructional personnel who teach courses, which are not eligible for credit hour grant funding, to unemployed or underemployed persons or who teach customized courses, which are not eligible for credit hour grant funding, for business and industry.
 - 2) Contractual Services. Expenditures for professional services which are determined by the college to be more appropriately or efficiently provided by other public or private entities to complete specific programmatic work needed to conduct the

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- district's economic development activities.
 - 3) Instructional Materials. Books, films, and testing/evaluation materials for use in courses taught to unemployed and underemployed individuals or persons receiving industrial or customized training designed for area business and industry.
 - 4) Instructional Equipment. Lease or purchase of demonstrators, models, trainers, or other equipment for use in courses taught to unemployed and underemployed individuals or persons receiving customized training designed for area business and industry.
 - 5) Promotional Materials. Brochures, newsletters, slide presentations, films, and advertisements used to market the districts' economic development services.
 - 6) Staff development. Seminars, courses, and conferences related to economic development for administrative staff that spend 51 percent of their time working in the business assistance center/economic development office.
 - 7) Conference and Meeting Expenses. Expenses for conducting conferences and meetings related to Economic Development Grant activities specified in subsection Section-1501-509(c) at which business assistance center staff, business and industry, and/or economic development entities are in attendance.
 - 8) Travel. Travel expenses related to Economic Development Grant activities as specified in subsection Section-1501-509(c) for staff specified in subsection Section-1501-509(d)(1) and their supervisors.
 - 9) The following are related costs of operating a business assistance center/economic development office.
 - A) Office equipment
 - B) Utilities and telephone
 - C) Consumable supplies
 - D) Duplicating
 - E) Facility rental
- e) Economic-Development-Grant-Funds-shall-be-granted-upon---receipt---of---a-completed---application---from---the-district-by-August-1-of-each-year-on-forms-provided-by-the-ICCB.
- f) Reports of services and courses supported by the Economic Development Grant shall be filed with the ICCB by August 1 following the end of the fiscal year on forms provided by the ICCB.
- g) Economic Development Grant funds shall be accounted for in a set of self-balancing accounts with the restricted purposes fund.
- h) Economic Development Grant funds shall be expended or obligated prior to June 30 each year. Goods for which funds have been obligated shall be received prior to September 30 following the end of the fiscal year for which the funds were appropriated. Funds for services, including salaries and benefits, may not be obligated for services rendered after June 30. Unexpended funds shall be returned to the ICCB by October 15 following the end of the fiscal year.
- i) Economic Development Grant funds not used in accordance with Section 1501.509 shall be returned to the ICCB within six months after receipt

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NOTICE OF ADOPTED AMENDMENT(S)

of the external audit report by ICCB.

(Source: Amended at 13 Ill. Reg. 1182, effective January 13, 1989)

3) Section Numbers: Adopted Action:

- 378.101 New Section
- 378.102 New Section
- 378.103 New Section
- 378.201 New Section
- 378.202 New Section
- 378.203 New Section
- 378.204 New Section
- 378.301 New Section
- 378.302 New Section
- Appendix A: New Section
- Appendix B: New Section
- Appendix C: New Section
- Appendix D: New Section
- Appendix E: New Section

4) Statutory Authority: Implementing and authorized by Sections 4, 11 and 39 of the Environmental Protection Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1004, 1011 and 1039).

5) Effective Date of Rules: January 17, 1989

6) Does this rulemaking contain an automatic repeal date? No

7) Do the adopted rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 10, 1989

9) Notice of Proposal Published in ILLINOIS REGISTER:

August 5, 1988, 12 Ill. Reg. 12753

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

A) In response to the JCAR requests, the Agency has amended the following sections:

- 1) Section 278.101(b) is amended to include, "pursuant to 35 Ill. Adm. Code 309.141."

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 2) Section 378.102 is amended to read, "All terms shall have the meanings set forth in the Environmental Protection Act except, for purposes of this Part, the following definitions apply:"
- 3) Section 378.103(a) is amended to include: "in accordance with Section 378.204."
- 4) Section 378.203 is amended to include, "Characteristics of unprotected waters include but are not limited to the following, and water must possess one or more of these characteristics to be classified as unprotected waters:"
- 5) Section 378.204(a)(1) is amended to include "For example" at the beginning of the second sentence.
- 6) Section 378.204(c) is added to read "The Agency shall review the information provided by the permittee and determine whether it is accurate and complete in accordance with the requirements of this Section."
- 7) Section 378.301(c) is amended to include in the second sentence, "as specified in Appendix B of this Part,"
- 8) Section 378. Appendix B(j) is amended by substituting "may" for "will."
- B) In response to recommendations made by the Administrative Code Unit the Agency made the following changes:
 - 1) The headings for Section 378.201 have been changed to match those of the Table of Contents.
 - 2) Colons following the Appendix listings in the Table of Contents have been deleted.
 - 3) The Subpart B heading has been extended to the right hand margin.
 - 4) The acronyms of "NPDES" and "Board" have been spelled out.
 - 5) The term "Section" has been added to Sections 378.102 and 378.103 and the Federal Clean Water Act citations have been added to Section 378.102(b).

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Rules: In accordance with the final order of the Pollution Control Board which has modified the fecal coliform effluent standards, the Agency has proposed rules which establish procedures for evaluating and determining whether NPDES permit discharges may be modified for fecal coliform effluent requirements on a seasonal or year round basis.

16) Information and questions regarding the rule shall be directed to:

Name: Toby Frevert
 Address: Illinois Environmental Protection Agency
 2200 Churchill Road
 Post Office Box 19276
 Springfield, Illinois 62794-9276
 Telephone: 217/782-3362

The full text of the Adopted Rules begins on the next page:

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 378

EFFLUENT DISINFECTION EXEMPTIONS

SUBPART A: INTRODUCTION

Section
378.101 Purpose, Scope and Applicability
378.102 Definitions

378.103 Application Requirements

SUBPART B: PROTECTED WATER STATUS AND EXEMPTION REQUIREMENTS

Section

378.201 Year-Round Protected Waters
378.202 Seasonally Protected Waters
378.203 Unprotected Waters
378.204 Assessment of Waters for Protected Status

SUBPART C: FECAL COLIFORM DIE-OFF MODEL

Section

378.301 Die-off Equation
378.302 Cumulative Effects of Multiple Sources

APPENDIX A First Order Die-off Equation

APPENDIX B Application Of The Die-off Equation

APPENDIX C Discharge And Travel Time Estimation

APPENDIX D Manning Equation

APPENDIX E Field Assessment Of Die-off Rate Constant

AUTHORITY: Implementing and authorized by Sections 4, 11 and 39 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1004, 1011, and 1039).

SOURCE: Adopted at 13 Ill. Reg. 1190, effective January 17, 1989

SUBPART A: INTRODUCTION

Section 378.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish requirements for determining which National Pollutant Discharge Elimination System (NPDES) permit

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

dischargers may cease effluent disinfection on a seasonal or year-round basis pursuant to standards established by the Pollution Control Board (Board) at 35 Ill. Adm. Code 302.202, 302.209, 302.306 and 304.121.

- b) This Part shall apply to National Pollutant Discharge Elimination System permit dischargers which must comply with the fecal coliform effluent standard of 35 Ill. Adm. Code 304.121. This Part does not apply to discharges governed by 35 Ill. Adm. Code 306.305 or to discharges with fecal coliform limitations imposed by any federal regulations pursuant to 35 Ill. Adm. Code 309.141.

- c) The standards established by the Pollution Control Board allow that waters unsuitable for primary contact activities, unlikely to allow incidental contact due to remoteness from any parks or residential areas, and unutilized for public and food processing water supply are exempt from fecal coliform water quality standards. National Pollutant Discharge Elimination System permit dischargers which affect these waters may be eligible for an exemption from 35 Ill. Adm. Code 304.121.

- d) National Pollutant Discharge Elimination System permit discharges which may prevent protected waters from complying with fecal coliform water quality standards must continue to comply with the fecal coliform effluent standard of 35 Ill. Adm. Code 304.121. In order to be protected, waters must presently support or have physical characteristics to support primary contact activities, flow through or adjacent to parks or residential areas, or be utilized for public and food processing water supply.

- e) Exemption determinations will include consideration of potential impacts on interstate waters.

Section 378.102 Definitions

All terms shall have the meanings set forth in the Environmental Protection Act except, for purposes of this Part the following definitions apply:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq., as amended).

"Agency" means Illinois Environmental Protection Agency.

"Board" means Illinois Pollution Control Board.

"NPDES permit" means a permit issued under the National Pollutant Discharge Elimination System under Section 39 of the Act and Section 402 of the Clean Water Act, (33 U.S.C.A. § 1251 et seq.).

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

"Primary contact" means any recreational or other water use in which there is prolonged and intimate contact with the water involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard, such as swimming and water skiing.

"Residential areas" means any collection of dwellings, such as cities, towns, and subdivisions.

"Year-round" refers to the full twelve months of the year.

Section 378.103 Application Requirements

The Agency will consider an exemption from the fecal coliform effluent limitations of 35 Ill. Adm. Code 304.121(a) only when the holder of an NPDES permit submits to the Agency a Disinfection Exemption Request. The request, at a minimum, shall demonstrate and document the following:

- a) The character of the receiving waters pursuant to 35 Ill. Adm. Code 302.202, 302.209, and 302.306 in accordance with Section 378.204.
- b) The discharge will not cause downstream waters to exceed applicable fecal coliform standards pursuant to 35 Ill. Adm. Code 302.209 and 302.306.

SUBPART B: PROTECTED WATER STATUS AND EXEMPTION REQUIREMENTS

Section 378.201 Year-Round Protected Waters

Waters utilized for public and food processing water supply must comply with the 2000 per 100 ml fecal coliform standard of 35 Ill. Adm. Code 302.306 at any intake point on a year-round basis.

Section 378.202 Seasonally Protected Waters

Waters within the following categories must comply with the 200 per 100 ml fecal coliform standard of 35 Ill. Adm. Code 302.209(a) during the months of May through October:

- a) All large streams and rivers which support primary contact activities;
- b) All lakes and ponds which support primary contact activity;
- c) Pooled areas of small streams where depth and access allow for primary contact activities; or
- d) Streams which flow through or adjacent to parks or residential areas and are likely to create a risk of incidental or accidental contact.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Section 378.203 Unprotected Waters

Unprotected waters are not required to comply with the fecal coliform standards of 35 Ill. Adm. Code 302.209 and 302.306. Characteristics of unprotected waters include but are not limited to the following, and waters must possess one or more of these characteristics to be classified as unprotected:

- a) Waters with average depths of two feet or less and no pronounced deep pools during the summer season;
- b) Waters containing physical obstacles sufficient to prevent access or primary contact activities; or
- c) Waters with adjacent land uses sufficient to discourage primary contact activities.

Section 378.204 Assessment of Waters for Protected Status

- a) The permittee shall conduct surveys necessary to determine whether affected waters currently support or have the potential to support primary contact activities. The permittee shall determine and document the following:

- 1) Whether the water body segments have potential for primary contact use. For example, such segments must have water depths that would ordinarily permit swimming during the months of May through October;
- 2) Whether the water body segments are free of obstacles to primary contact activities, such as unsuitable access to the streambank or existence of logs, log jams or other debris which render the water body hazardous or unattractive to swimmers;
- 3) Where the adjacent land use to water body segments would discourage primary contact activities; or
- 4) Whether the water bodies are being used for primary contact activities. The permittee shall make inquiries of local residents, land owners, or local law enforcement officials. The permittee shall also make a list of all downstream access areas and contact custodians to determine the uses and water-based activities of the water body segment in question.

- b) The permittee shall conduct surveys necessary to determine whether any affected waters which flow through or adjacent to parks or residential areas have the potential to attract the public and create

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

a risk of incidental or accidental contact. Such water bodies are protected by the seasonal fecal coliform standard of 35 III. Adm. Code 302.209(a) unless the permittee can demonstrate that access is limited by such impediments as fences or steep banks.

- c) The Agency shall review the information provided by the permittee and determine whether it is accurate and complete in accordance with the requirements of this Section.

SUBPART C: FECAL COLIFORM DIE-OFF MODEL

Section 378.301 Die-off Equation

- a) The permittee shall model the die-off of fecal coliform from its discharge using the first-order die-off equation provided in Appendix A of this Part. Appendix B of this Part provides step-by-step guidance for the application of this equation. Appendices C through E of this Part provide further assistance in the application of the equation.
- b) The die-off equation predicts levels of fecal coliform at points downstream from the fecal coliform source. The equation includes variables to reflect upstream levels of fecal coliform, changes in dilution and travel time, and other stream-specific parameters.
- c) In modeling the effects of its discharge, the permittee shall collect additional stream-specific information as necessary to demonstrate compliance with fecal coliform water quality standards. The amount of field data necessary to utilize the equation as specified in Appendix B of this Part will depend on the proximity of the source to protected waters and the nature of the receiving waters. Additional field data collected will produce more accurate prediction of downstream levels of fecal coliform.

Section 378.302 Cumulative Effects of Multiple Sources

- a) When modeling fecal coliform die-off, the permittee must account for contributions of additional downstream sources. Requests for exemption will be denied when die-off modeling indicates that the combined effect of multiple sources will lead to fecal coliform water quality violations of 35 III. Adm. Code 302.209 or 302.306.
- b) In reviewing any request for exemption, the Agency shall re-examine previously modified NPDES permits when modeling indicates that there is a potential for fecal coliform water quality violations of 35 III. Adm. Code 302.209 or 302.306 due to the combined effects of:

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- 1) the source's modified fecal coliform limits;
- 2) the permittee's modified fecal coliform limits; and
- 3) any new source.

Section 378.APPENDIX A First Order Die-off Equation

The first order die-off equation provides a method of estimating fecal coliform die-off in a receiving water as a function of time:

$$N_t = [N_0 / (1 + kd) + N_b / (1 + kd)] \times e^{-kt}$$

Definition and discussion of terms:

N_t is the predicted concentration of fecal coliform at travel time t downstream; units = #/100 ml.

N_b is the fecal coliform concentration upstream of the source being modeled; units = #/100 ml.

This term will often be negligible relative to the contribution of the source.

N_0 is the fecal coliform concentration in the effluent of the source; units = #/100 ml.

d is the ratio of the receiving water discharge directly upstream of the source to the discharge of the source; no units.

k is the first order die-off rate constant; units = 1/hours. The value of k can vary as a function of receiving water characteristics, including temperature, exposure to sunlight, and turbidity.

t is the travel time to the point of interest below the source; units = hours.

$$e = 2.718$$

Section 378.APPENDIX B Application of the Die-off Equation

- a) Sketch the receiving stream and the progression of higher order streams it flows into, up to and including the major river basin. Major river basins are listed in Appendix C. Also identify on your sketch:
- 1) Smaller streams which are tributary to the receiving water below the point of discharge.

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- 2) All point source dischargers.
 - 3) All public and food processing water supply intakes.
 - 4) Water body reaches wherein primary contact activities are feasible or known to be engaged.
- b) Sources which discharge directly to receiving waters which are obviously suitable for primary contact use and therefore applying for a seasonal exemption only, do not need to assess downstream primary contact potential or use. Sources which are applying for a year-round exemption must carefully assess such potential or use for the entire affected reach of the undisinfecting discharge.
- c) Subdivide downstream waters into segments where discharge and stream cross-sectional area are relatively uniform. Segments will typically begin at confluences with other streams. Number the segments and identify each on the above sketch. Where available note stream mile numbers established by U.S. Geological Survey (see Appendix C) for the receiving stream.
- d) Establish discharge rates for each segment. If no discharge data is available, the equations developed by the Illinois State Water Survey (Appendix C) may be used. For waters protected to 200 fecal coliform per 100 ml, the median discharge (50% recurrence frequency) shall be utilized. For waters protected to 2000 fecal coliform per 100 ml, calculate discharges for the 10%, 30%, 50%, 70%, and 90% recurrence frequencies.
- e) Derive average velocities for all necessary recurrence frequencies in each segment. In the absence of field measurements, velocity is best estimated through the use of the Manning equation (Appendix D). For some situations, equations developed by the Illinois State Water Survey (Appendix C) may suffice; however, these equations tend to over-estimate velocity, so it may be beneficial for a discharger to go to a more detailed analysis.
- f) Assess the average concentration of fecal coliform directly upstream of the source (N_0) and for all significant tributaries listed in Part A. Data from Agency ambient monitoring stations may be useful in some instances.
- g) Assess the concentration of fecal coliforms in the effluent prior to disinfection (N_d). An average over at least 3 months is preferable, but a minimum of 4 samples in 30 days will be acceptable. A conservative value of 400,000 fecal coliform per 100 ml may be utilized when effluent specific data is not available.
- h) Determine the appropriate die-off rate constant (k). Available literature values for k range from 0.01/hour to greater than

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- 1.00/hour. In the absence of stream-specific data, the following values may be used: 0.06/hour for the months May thru October, and 0.03/hour for the months November thru April. Stream assessments are preferred and may be necessary to demonstrate compliance. (See Appendix E).
- i) Calculate fecal coliform levels at intervals downstream using the design average flow for the source, for all necessary recurrence frequencies and values of k . Incorporate the contributions of additional downstream sources as necessary. Compare the results to the required levels of protection. (These levels are 200/100 ml for primary contact and 2000/100 ml for water supplies).
 - j) In cases where the predicted level approximates the required level of protection, the Agency will require additional stream-specific information. Such information may include, but is not limited to:
 - 1) Die-off studies to determine k .
 - 2) Dye tracer studies to determine V .
 - 3) Stream surveying to determine Q .

Section 378.APPENDIX C Discharge and Travel Time Estimation

The Illinois State Water Survey, in a publication entitled, "Hydraulic Geometry of Illinois Streams," (by J.B. Stall and Y.S. Fok, WRC Research Report 15, 1968) provides a method of predicting discharge and average stream velocity in stream basins as a function of drainage area. The equations are listed below. Where an equation is not listed for the basin of interest, the statewide composite equations may be used. Drainage areas can be obtained from the U.S. Geological Survey report entitled "River Mileages and Drainage Areas for Illinois Streams - Volumes 1 and 2" (by R. W. Healy, Water Resources Investigation 79-110 and 79-111, 1979).

Hydraulic Geometry Equations for Illinois River Basins

Description of Units

Q = discharge in cubic feet per second (cfs)

V = average velocity in feet per second (fps)

A_d = drainage area in square miles

F = frequency in percent of days, as a decimal

\ln denotes that all logarithms are natural logarithms to the base

$e = 2.718$

Statewide Composite Equations

$\ln Q = 1.176 - 5.22 F + 0.984 \ln A_d$ (cfs)

$\ln V = 0.103 - 1.81 F + 0.158 \ln A_d$ (fps)

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Rock River

In Q = 0.24 - 3.50 F + 1.03 ln A_d
ln V = 0.20 - 1.50 F + 0.13 ln A_d

Des Plaines River

In Q = 1.78 - 4.98 F + 0.90 ln A_d
ln V = 0.26 - 1.31 F + 0.08 ln A_d

Galena River

In Q = 0.13 - 2.27 F + 0.96 ln A_d
ln V = -0.06 - 0.81 F + 0.06 ln A_d

Kankakee River

In Q = 1.41 - 5.12 F + 0.96 ln A_d
ln V = -0.38 - 1.19 F + 0.17 ln A_d

Fox River

In Q = -0.24 - 3.33 F + 1.13 ln A_d
ln V = 0.11 - 1.39 F + 0.16 ln A_d

Vermillion River (Illinois River Basin)

In Q = 0.97 - 6.28 F + 1.01 ln A_d
ln V = -0.20 - 2.19 F + 0.17 ln A_d

Mackinaw River

In Q = 1.39 - 7.52 F + 1.00 ln A_d
ln V = 0.38 - 2.26 F + 0.09 ln A_d

Kaskaskia River

In Q = 0.95 - 5.88 F + 1.02 ln A_d
ln V = -0.26 - 1.28 F + 0.14 ln A_d

Henderson Creek

In Q = 1.44 - 5.00 F + 0.89 ln A_d
ln V = 0.58 - 1.76 F + 0.01 ln A_d

Vermillion River (Wabash River Basin)

In Q = 1.11 - 4.96 F + 0.98 ln A_d
ln V = -0.81 - 2.20 F + 0.29 ln A_d

Spoon River

In Q = 0.86 - 4.82 F + 1.00 ln A_d
ln V = 0.52 - 1.63 F + 0.08 ln A_d

Embaras River

In Q = 0.04 - 5.61 F + 1.17 ln A_d
ln V = -0.92 - 1.62 F + 0.26 ln A_d

LaMoine River

In Q = 1.03 - 5.60 F + 0.92 ln A_d
ln V = -0.13 - 1.16 F + 0.11 ln A_d

Little Wabash River

In Q = 1.91 - 7.90 F + 0.96 ln A_d
ln V = -1.38 - 1.18 F + 0.30 ln A_d

Sny River

In Q = -2.27 - 5.87 F + 1.63 ln A_d
ln V = -1.29 - 1.06 F + 0.39 ln A_d

Big Muddy River

In Q = 1.26 - 8.50 F + 1.09 ln A_d
ln V = -0.75 - 1.47 F + 0.18 ln A_d

Sangamon River

In Q = 0.65 - 4.93 F + 1.03 ln A_d
ln V = -1.01 - 0.95 F + 0.26 ln A_d

Big Bay Creek

In Q = 1.48 - 7.90 F + 1.05 ln A_d
ln V = -0.53 - 0.41 F + 0.14 ln A_d

Section 378.APPENDIX D Manning Equation

$$V = \frac{1.49}{n} R_h^{2/3} S^{1/2}$$

$$Q = \frac{1.49}{n} AR_h^{2/3} S^{1/2}$$

where: Q is the discharge in cfs.

V is the average velocity in fps.

A is the cross-sectional area of the stream in square feet.

R_h is the hydraulic radius of the stream in feet, as determined by the cross-sectional area (A) divided by the wetted perimeter.

S is the slope of the stream in decimal form.

n is the Manning coefficient.

Section 378.APPENDIX E Field Assessment of Die-off Rate Constant

Assessing the fecal coliform die-off rate constant (k) below a source is a fairly straight-forward process. It is important, however, that sampling be conducted under appropriate conditions. The following guidelines should be observed in planning and conducting the necessary field work.

- Assessment of k must be conducted on an undisinfected effluent.
- Assessment of k for warm months (May thru October) should be conducted when water temperature is at least 20 C. For cold months (November thru April), water temperature should be less than 10 C.
- Stream discharge and effluent discharge must be relatively steady. Precipitation events within the past 24 hours or during sampling should be avoided. The dilution ratio should be such that initial fecal coliform levels will be well above background levels. Stream velocity should average 0.2 feet per second at the minimum.
- Fecal coliform levels in the undisinfected effluent, upstream (dilution) waters, and significant downstream tributaries and sources should be assessed for several days prior to conducting the k study. Extreme variability in these levels should be avoided if possible.
- At least 5 downstream sampling stations must be established. The first station should be the closest point where it is likely that the effluent has completely mixed with the stream. Other sites should be selected with regard to location of downstream tributaries and fecal coliform sources and convenience of access, and should be

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representative of typical stream reaches. A typical example might include stations at 1, 3, 5, 10, 15 and 25 miles downstream of the source.

f) Stream discharge should be measured at each station. Information necessary to calculate travel time between sites must also be collected (this is typically done via the Manning equation, see Appendix D).

g) Samples should be collected during the daylight hours in one day if at all possible. Agency protocol for fecal coliform sampling requires that samples be iced immediately and transported to a laboratory for analysis within 6 hours.

h) Resources permitting, it is preferred that at least 2 warm weather and 2 cold weather studies be conducted. Values of k should be calculated using the die-off equation for each stream reach. An overall average for each study should also be computed.

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1) Heading of the Part: Improper Claims Practice

2) Code citation: 50 Ill. Adm. 919

3) Section numbers: Adopted Actions

919.10	Amendment
919.20	Amendment
919.30	Amendment
919.40	Amendment
919.50	Amendment
919.60	Amendment
919.70	Amendment
919.80	Amendment
919.90	Amendment
Exhibit A	New Section

4) Specific Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, pars. 154.5 and 154.6.

5) Effective Date: January 11, 1989

6) Does rulemaking contain an automatic repeal date: No.

7) Does this rulemaking contain incorporations by reference?

8) Date filed in Agency's Principal Office: 1/11/89

9) Notices of Proposal Published in Illinois Register: August 19, 1988; Volume 12, Issue 34; Page #13535; Notice of Correction published October 28, 1988; Volume 12, Issue 44; Page #17456.

10) Has JCAR issued a Statement of Objections? No.

11) Differences between proposal and final version:

a) In Section 919.40 the term "after market part" was deleted and was replaced by "Replacement Crash Parts."

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- b) In Section 919.40 in the definition of "Non-Original Manufacturer" the word second "original" and the phrase "of the after market part" were deleted and the phrase "of the original part" was at the end of the definition.
- c) In Section 919.60(d) the words "request or" were inserted between the words "shall" and "require."
- d) 919.80(c) the word "automobile" was deleted and was replaced by the word "vehicle" in both the captioned and the first sentence.
- e) In Section 919.80(c)(2)(A) the word "automobile" was deleted and the word "vehicle" was added.
- f) Section 919.80(c)(2)(A) was deleted and was replaced by:
- (1) The cash settlement may be based upon the retail value of the vehicle as determined from one of the following sources:
- (a) A source or sources which are published on a regular basis, at least once every two (2) months, and contain the average retail, wholesale and finance value for all makes and models for at least each of the last five (5) model years as well as a listing and price for all major options; or
- (b) An electronically computerized source or sources which:
- (1) computes statistically valid retail values including all major options and equipment, and applicable allowances for mileage and condition, for at least eighty-five percent (85%) of all makes and models for at least each of the last fifteen (15) model years;
- (2) the retail value so generated shall be based on data from the area immediately surrounding the location where the insured vehicle was principally garaged and such values shall be based upon data compiled on at least 1.5 million passenger vehicles;
- (3) complies, maintains and provides, upon request, a record of valuations and monthly summaries of

- the average retail value, option value, and mileage for each general metropolitan area for the preceding twenty-four (24) period."
- g) In Section 919.80(c)(2)(A)(ii) the word "an" was added between the words "upon" and "electronically" in the first sentence. Also in the first sentence the word "date" was deleted and was replaced by the word "service." Also in the second sentence the phrase "or any combination thereof" was deleted. In the third sentence the word "automobile" was deleted and was replaced by "vehicle." In the fifth sentence the word "source" was deleted and the word "service" was added in both locations. Also in the fifth sentence "(a)" was added between (i) and above.
- h) In Section 919.80(c)(2)(A)(iii) the word "automobile" was deleted and replaced by the word "vehicle."
- i) In Section 919.80(c)(4)(A)(ii) the language "Written notice of this procedure must be communicated to the insured at the time of the settlement, together with" was struck out. The following new language was added at the end of the subsection "must be furnished by the company with either the notice or at the end of the settlement."
- (c) An electronically computerized source or sources which:
- (1) computes statistically valid retail values including all major options and equipment, and applicable allowances for mileage and condition, for at least eighty-five percent (85%) of all makes and models for at least each of the last fifteen (15) model years;
- (2) the retail value so generated shall be based on data from the area immediately surrounding the location where the insured vehicle was principally garaged and such values shall be based upon data compiled on at least 1.5 million passenger vehicles;
- (3) complies, maintains and provides, upon request, a record of violations and monthly summaries of the average retail value, option value, and mileage for each general metropolitan area for the preceding twenty-four (24) period."

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- j) In Section 919.80(c)(2)(A)(ii) the word "an" was added between the words "upon" and "electronically" in the first sentence. Also in the first sentence the word "data" was deleted and was replaced by the word "service." Also in the second sentence the phrase "or any combination thereof" was deleted. In the third sentence the word "automobile" was deleted and was replaced by "vehicle." In the fifth sentence the word "source" was deleted and the word "service" was added in both locations. Also, in the fifth sentence "(a)" was added between (i) and above.
- k) In Section 919.80(c)(2)(A)(iii) the word "automobile" was deleted and was replaced by the word "vehicle."
- l) In Section 919.80(a)(4)(ii) the language "Written notice of this procedure must be communicated to the insured at the time of the settlement, together with" was struck out. The following language was added at the end of the subsection "must be furnished by the company with either the notice or at the time of settlement."
- m) In Section 919.80(c)(5) in the title the words "After Market" were deleted and were replaced by the words "Replacement Crash."
- n) In Section 919.80(c)(5)(E) the title of the subsection "After Market Parts" was deleted and was replaced by "Replacement Crash Parts." All other references to "after market parts" in this subsection were deleted and were replaced by "replacement crash parts."
- o) In subsection 919.80(c)(5)(E)(1) the third sentence was deleted.
- p) Subsection 919.80(c)(5)(E)(4) and (5) were deleted.
- q) In Subsection 919.80(c)(5)(F) in the third sentence the phrase "in writing" and "in regard to his written estimate" was deleted. Also the following sentence was added at the end of the subsection "The company shall maintain documentation of all such communications."
- r) In Sections 919.90(f) the words "might exist" were deleted and replaced with the word "exists."
- s) In the Exhibit the following language was added:

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7. Batterment Deductions

The insurance company is allowed to make deductions from the retail value if your automobile has old, unrepared collision damages. There is no limit to the amount of the deduction.

The insurance company can also make deductions for wear and tear, missing parts and rust, but the maximum deduction may not exceed \$500.00.

All deductions must be itemized and specified as to dollar amount.

8. Retaining Your Totalled Vehicle

In an effort to maintain automobile "chop shop" crime, the Illinois Vehicle Code does not permit you the right to retain the salvage once your automobile has been deemed a total loss by your insurance company. The insurance company must take possession of the vehicle, if the vehicle is eight model years or newer.

9. Right of Recourse

If you cannot locate a replacement vehicle within 30 days of receiving a cash settlement, you may have some additional rights under your insurance contract.

If you cannot purchase a substantially similar vehicle for the market value determined by the company, but you have located a substantially similar vehicle that costs more, the following procedures(s) shall apply.

- (1) The company shall either pay you the difference between the original settlement and the amount of the substantially similar vehicle which you have located or attempt to purchase this vehicle for you; or
- (2) The company shall locate a comparable vehicle for you at the market value determined by the company at the time of settlement; or
- (3) The company shall conclude the loss settlement as provided under the appraisal section of the insurance policy.

Your insurance company must give you written notice of this procedure once your vehicle has been determined a total loss.

This chart should assist you in determining the retail value of your automobile.

	Value
Make of Automobile	
Model	
Engine Size	
Type Transmission	
(Auto/Standard)	
Power Steering	
Power Brakes	
Power Windows	
Air Conditioner	
Vinyl Roof	
Cruise Control	
Tilt Wheel/Telescope Wheel	
Power Locks	
Power Seats	
AM/FM Radio	
Stereo/Tape	
Rear Defog	
Mileage: Low/High	

The word "may" was deleted in the second sentence of Section 919.30(a) where it is palced in the text a second time.

Section 919.50(a)(2) was amended by adding the words "if the claim is denied," after the words "liability is made" in Section 919.50(a)(2).

The following text was added to Section 919.80(a): "and penalties, if any, pursuant to Section 155 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 767)."

The language "substantially similar" was deleted in Section 919.80(c).

Section 919.80(c) was amended to read the follows:

When the insured vehicle has been determined a total loss, and the insurance policy provides for the adjustment and settlement of first party vehicle claims on the basis of actual cash value or replacement, the company shall establish a procedure to provide the insured with, at a minimum, the

information contained in the attached Section 919. Exhibit A within 7 days of this determination, and shall follow one of the following methods:

- 12) Have all of the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there nay amendments pending on this Part? No
- 15) The amendments to this rulemaking are being proposed in order to establish additional standards to be followed by insurance companies regarding automobile claims. In these amendments the Department is attempting to better protect the insurance buying public in this state by proposing additional standards and requirements for those areas regulated by this rule which traditionally have been the source of many consumer complaints to the Department.
- 16) Information and questions regarding these adopted amendment shall be directed to:

Mike Hessler
320 West Washington
Springfield, Illinois 62767
(217)782.4515

The full text of the adopted amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIESPART 919
IMPROPER CLAIMS PRACTICE

Section 919.10	Authority
919.20	Scope and Purpose
919.30	Examinations
919.40	Definitions/Explanations
919.50	Required Practices for all Insurance Companies
919.60	Improper Practices or Procedures for all Insurance Companies
919.70	Claims Practices - Life, Accident and Health Companies, Chapter 32 Plan Act Companies, and Third Party Administrators and Health Maintenance Organizations
919.80	Required Claim Practices Private-Passenger-Automobile- Property and Casualty Companies
919.90	Improper Practices or Procedures - Property and Casualty Companies
919.100	Severability Provision
EXHIBIT A	Total Loss Automobile Claims

AUTHORITY: Implementing Sections 154.5 and 154.6 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 766.5 and 766.6), and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013), Section 9 1/4 of The Medical Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 572), Section 10 of the Voluntary Health Services Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 604), Section 10 of The Vision Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 660), Section 25 of The Dental Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 690.25) and Section 24 of the Pharmaceutical Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 691.24) and Section 5-3 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1411.2).

SOURCE: Filed June 17, 1974, effective July 1, 1974; amended at 2 Ill. Reg. 22, p. 77, effective May 22, 1978; new rules adopted at 3 Ill. Reg. 31, p. 93, effective August 4, 1979; old rules repealed 3 Ill. Reg. 32, p. 42, effective August 6, 1979; emergency amendment and codified at 7 Ill. Reg. 2755, effective February 28, 1983, for a maximum of 150 days; amended and codified at 7 Ill. Reg. 11489, effective October 1, 1983; amended at 10 Ill. Reg. 5125, effective March 17, 1986; amended at 13 Ill. Reg. 1204, effective January 11, 1989.

Section 919.10 Authority

This Part is promulgated by the Director of Insurance (Director) pursuant to Sections 154.5, 154.6 and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 766.5 and 766.6 and 1013) Section 9 1/4 of the Medical

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Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 572), Section 10 of the Voluntary Health Services Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 604), Section 10 of the Vision Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 660), Section 25 of the Dental Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 690.25) and Section 24 of the Pharmaceutical Service Plan Act (Ill. Rev. Stat. 1987, ch. 32, par. 691.24) and Section 5-3 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1411.2), which empower the Director of Insurance ... to make reasonable rules and regulations as may be necessary for making effective ... the insurance and related laws of this State. The purpose of this Part is to implement Sections 154.5 and 154.6 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 766.5 and 766.6).

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989)

Section 919.20 Scope and Purpose

a) This Part shall apply to all insurance companies authorized to transact in this State the kind or kinds of business described in Class 1, Class 2 and Class 3 of Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 616) except fidelity and surety, ocean marine and worker's compensation; to all agents--or brokers producers licensed under Article XXI of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 983 et seq.) to all Medical Service Plan Corporations; to all Voluntary Health Service Plan Corporations; to all Vision Service Plan Corporations; to all Dental Service Plan Corporations; to all Health Maintenance Organizations; and to all Pharmaceutical Service Plan Corporations; and to any individual association, corporation, partnership, insurance company or other legal entity licensed under the Illinois Insurance Code which acts as a third party administrator. This Part shall apply to all claims handling activity occurring on or after the effective date of this Part and to all pertinent policy forms on file or hereafter filed with the Illinois Department of Insurance after the effective date of this Part.

b) The purpose of this Part is to set forth minimum standards for the investigation and disposition of claims arising under contracts and certificates issued to residents of Illinois. The provisions of the Part establish the general criteria to be used by the Director in selecting companies to be examined and the minimum standards for record keeping to be followed by the companies subject to the Part. The various provisions of the Part are intended to define procedures and practices that committed with such frequency as to indicate a general practice will ultimately be the basis for a regulatory finding of unfair claims practices.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989)

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Section 919.30 Examinations

- a) Each company's claim files for policies or certificates on Illinois risks are subject to examination and inspection by the Director of Insurance or by his duly appointed designees. Examples of the criteria which may be used to determine the frequency of examinations include but are not limited to:
- 1) High ratio of written complaints to premium volume or units of exposure or enrollment;
 - 2) Examination of a percent of a particular market on--a--five--to seven--year--cycle;
 - 3) Examination of a particular specialty line for which claims handling, underwriting or marketing practices or procedures raise questions of compliance with any insurance laws or rule;
 - 4) Examination of a particular company whose practice or procedure for the handling of claims, underwriting or the marketing of policies raise questions of compliance with any insurance laws or rules.
- b) Each company shall maintain claim data that should be accessible and retrievable for examination by the Department Director. The claim data--will--be--confined--to--claims--activities--regarding--Illinois policyholders--or--certificate--holders. A company should be able to provide the claim number, line of coverage, date of loss and date of payment of the claim, date of denial, or date claim closed without payment. This data must be available for all open and/or closed files for the current year and the two preceding years. The examiners' review may include but need not be limited to an examination of the following claims:
- 1) Claims Closed With Payment;
 - 2) Claims Denied;
 - 3) Claims Closed Without Payment;
 - 4) First Party Automobile Total Losses; and/or Subrogation Claims.
- c) Detailed documentation shall be contained in each claim file in order to permit reconstruction of the company's activities relative to each claim file.
- d) For those companies who do not maintain hard copy files, claim files must be accessible from cathode ray tube (CRT) or micrographics and capable of duplication to hard copy.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989)

Section 919.40 Definitions/Explanations

"Replacement Crash Parts" for purposes of this Part, means sheet metal or synthetic parts, e.g., plastic, fiberglass, etc., which constitute the exterior of a motor vehicle, including inner and outer panels.

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"Company" refers to any licensee of the Department of Insurance including health maintenance organizations.

"Days" for the purpose of this Part, refers to calendar days.

"Documentation" shall mean all pertinent communications, transactions, notes and work papers. All such communications, transactions, notes and work papers shall be properly dated and compiled in sufficient detail in order to allow for the reconstruction of all pertinent events relative to each claim file. Documentation shall include but not be limited to bills, explanations of benefits and worksheets.

"First party" refers to any individual, corporation, association, partnership, or other legal entity asserting a contractual right to payment under an insurance policy or insurance contract arising out of the contingency or loss covered by such policy or contract.

"Insured" shall mean, for the purposes of life, accident and health insurance or other health care or service plans, the party named on a contract as the individual, corporation or association with legal rights to the benefits provided by such contract. This includes certificate holders or subscribers to a group contract and enrollees of a health maintenance organization, any other type of health care or service plans, or third party administrator; for the purposes of property and casualty insurance, the party named on the contract as the named insured.

Non-Original Manufacturer" means any manufacturer other than the manufacturer of the original part.

"Notice of Availability of the Department of Insurance" as required by this Rule shall be no less informative than the following:

Part 919 of the Rules of the Illinois Department of Insurance requires that our company advise you that if you wish to take this matter up with the Illinois Department of Insurance, it maintains a Consumer Division in Chicago at 160 North LaSalle Street, 100 W. Randolph Street, Suite 15-100, Chicago, Illinois 60606 60601 and in Springfield at 320 West Washington Street, Springfield, Illinois 62767.

"Notification of loss" shall mean communication, as required by the policy or that is otherwise acceptable by the insurer, from a claimant or insured to the insurer which identifies the claimant or insured and indicates that a loss has occurred or is about to occur.

"Pertinent communication" as used in Section 154.6(b) of the Illinois Insurance Code (Ill. Rev. Stat. 1981 1987, ch. 73, par. 766.6b) shall include all correspondence, regardless of source or type, that is materially related to the handling of the claim.

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"Policy" for the purpose of this Part shall mean a policy, certificate or contract issued to Illinois residents, including a certificate of enrollment into a Health Maintenance Organization or any other type of health care or service plan.

"Private Passenger Automobile" refers to vehicles insured under a policy of automobile insurance as defined in Section 143.13 of the Illinois Insurance Code (Ill. Rev. Stat. §901 1987, ch. 73, par. 755.13).

"Prompt investigation" as used in Section 154.6(c) of the Illinois Insurance Code (Ill. Rev. Stat. §901 1987, ch. 73, par. 766.6c) shall apply to all activities of the company related directly or indirectly to the determination of liability based on claims under the coverage afforded by the policy and shall be evidenced by a bonafide effort to communicate with all insureds and claimants where liability is reasonably clear within 15 21 working days after a notification of loss. Evidence of such bonafide effort to communicate with insureds and claimants shall be maintained in the company's claim files.

"Reasonable promptness" as used in Section 154.6(b) of the Illinois Insurance Code (Ill. Rev. Stat. §901 1987, ch. 73, par. 766.6b) shall mean a maximum of 15 working days from receipt of communication from a claimant or insured.

"Representative" shall include any person expressly authorized to act on behalf of the insurer and any employee of the insurer who acts or appears to act on behalf of the insurer in matters relating to claims, including but not limited to independent contractors while performing claim services at the direction of the company.

"Settlement of claims" as used in Section 154.6(c) of the Illinois Insurance Code (Ill. Rev. Stat. §901 1987, ch. 73, par. 766.65c) shall pertain to all activities of the company or its representatives, relating directly or indirectly to the determination of the extent of liabilities due or potentially due under coverages afforded by the policy, evidence of such activities to be maintained in the company's claim files.

"Third party" refers to any individual, corporation, association, partnership, or other legal entity asserting a claim against any individual, corporation, partnership, or other legal entity insured under an insurance policy or insurance contract of an insured certificate or contract.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989)

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Section 919.50 Required Practices for all Insurance Companies

a) ~~THE COMPANY--SHALL--AFFIRM--OR--DENY--LIABILITY--ON--CLAIMS--WITHIN--A REASONABLE--TIME~~ The company shall affirm or deny liability on claims within a reasonable time and shall offer payment within 30 days of affirmation of liability, if the amount of the claim is determined and not in dispute. For those portions of the claim which are not in dispute and the payee is known, the company shall tender payment within said 30 days.

b)

1) On first party claims if a settlement of a claim is less than the amount claimed, or if the claim is denied, the company shall provide to the insured a reasonable written explanation of the basis of the lower offer or denial within 30 days after the investigation and determination of liability is completed. The This written explanation to the insured shall clearly set forth the policy definition, limitation, exclusion or condition upon which denial was based and notice of availability of the Department of Insurance shall accompany this explanation.

2) Within 30 days after the initial determination of liability is made, if the claim is denied, the company shall provide the third party a reasonable written explanation of the basis of the denial.

c) No company shall deny a claim upon information obtained in a telephone conversation or personal interview with any source unless such telephone conversation or personal interview is documented in the claim file.

d) The company's standards for claims processing shall be such that notice of claim and proofs of loss submitted against one policy issued by that company shall fulfill the insured's obligation under any and all similar policies issued by that company and specifically identified by the insured to said company to the same degree that the same form would be required under any similar policy. If additional information is required to fulfill the insured's obligation under other similar policies, the company may request the additional information. When it is apparent to the company that additional benefits would be payable under an insured's policy upon receipt of additional proofs of loss from the insured, the company shall communicate to and cooperate with the insured in determining the extent of the company's additional liability.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989)

Section 919.60 Improper Practices or Procedures for all Insurance Companies

a) No company shall indicate to an insured on a payment draft, check or

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in any accompanying letter that said payment is "final" or "a release" of any claim if additional benefits relating to the claim are probable under the coverages afforded by a policy unless the policy limit has been paid or there is a bona fide dispute either over coverage or the amount payable under the policy.

- b) No company shall make any statement, written or oral, requiring an insured to complete a proof of loss in less time than is provided in the policy contract.
- c) No company shall make any statement requiring an insured to give written notice of loss within a specified time so that the company is relieved of its obligations under a policy if such time limit is not complied with, unless such a statement is made after the insured's unreasonable failure to give written notice.
- d) No company shall request or require any insured to submit to a polygraph or other similar type examination as a condition precedent to payment of a claim voluntarily or otherwise. The use of examinations under oath, sworn statements or similar procedures authorized under the terms of the applicable insurance contracts shall not be restricted if so restricted, if authorized under the applicable insurance contracts.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989)

Section 919.70 Claims Practices - Life, Accident and Health Companies, Chapter 32 Plan Act Companies, and Third Party Administrators and Health Maintenance Organizations

a) Required Practices.

- 1) If a claim remains unresolved for 30 working 45 days from the date it is reported, the company shall provide the insured or, when applicable, the insured's beneficiary, with a reasonable written explanation for the delay. In credit or mortgage claims, the notice must be provided to the debtor/insured in addition to the policyholder. Notice of availability of the Department of Insurance shall accompany the written explanation to the insured beneficiary.
- 2) If a company is under contract for direct filing of claims either with a provider or another carrier on behalf of the insured, the requirement for acknowledgment of claims or notice requirements are waived provided the insured has otherwise received prior notice of such arrangements. If a claim remains unresolved for more than 90 days from the date the administrator provides notice to the company, the notice of delay, as specified in Section 919.70(a), shall be required. Nothing in this Section shall waive the written notice requirement for denial of a claim.
- 23) A disability claim settlement on a lump sum basis shall be accompanied with a written explanation of the basis of the settlement including a comparison of the different modes of

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b) settlement.

b) Improper Practices or Procedures.

- 1) No company shall settle a claim involving both a covered and non-covered condition, on a percentage basis of contributing loss, unless said percentage is reasonable under the circumstances and the insured is provided with written explanation. The basis for settlement must be maintained in the file.
- 2) No company shall undertake any activity that has the effect of misrepresenting policy provisions or otherwise unduly influencing the insured to settle a disability claim on a lump sum basis.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989)

Section 919.80 Required Claim Practices Private-Passenger--Automobile - Property and Casualty Companies

- a) All companies shall report vexatious or unreasonable delay findings by a court of law to the Director of Insurance within 30 days of such findings and enclose with that report a copy of said findings and penalties, if any, pursuant to Section 155 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 767).
- ab) Unreasonable Delays.

- 1) The period used in computing the "median payment period" shall mean the period measured from the date of notification of loss to the date of final payment or the rendering of the repaired automobile to the insured or third party claimant.

- 2) An unreasonable delay to pay automobile collision claims exists when the median payment period exceeds 40 calendar days. If a first party physical damage automobile claim remains unresolved for more than 40 calendar days from the date it is reported, the company shall provide a reasonable written explanation for the delay to the insured. Notice of availability of the Department of Insurance shall accompany the written explanation.

- 3) An unreasonable delay to pay automobile property damage liability claims exists when a median payment period exceeds 60 calendar days. If an automobile property damage liability claim remains unresolved in excess of 60 calendar days from the date it is reported, the company shall provide a reasonable written explanation for the delay to the third party claimant. Notice of availability of the Department of Insurance shall accompany the written explanation.

- 4) Written explanations under subparagraphs (2) and (3) above shall be considered reasonable if they exhibit a rational basis for the delay and are not frivolous.

- b) Total-loss-Automobile-Claims--When-the-insurance-policy-provides-for-the-adjustment-and-settlement-of-first-party-automobile-total-losses on-the-basis-of-actual-cash-value-or-replacement--the-company-shall

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follow one of the following methods:

- i) The company may elect to offer a replacement vehicle.
- A) A replacement vehicle is defined as a specific comparable and available vehicle in as good or better overall condition than the total loss vehicle. The file must contain a description of the replacement vehicle, including the vehicle identification number and a schedule of options.
- B) Replacement vehicles of the current model plus the 3 previous model years must be purchased through licensed dealers. This requirement may be waived in writing by the insured. The signed waiver must be maintained in the file.
- C) In the event the insured elects a cash settlement instead of such replacement vehicle, the company need pay only the amount it would have otherwise paid on the replacement vehicle. As a condition precedent to this method of settlement, the company must first offer the replacement vehicle to the insured and the insured must reject the offer. Evidence of such must be apparent in the file.
- B) In the event the insured rejects the replacement vehicle and wants another substantially similar in value, this option may be exercised provided the company has the insured's written waiver in the claim file that the acceptance of another vehicle is of his own free will and choice. The company need pay only the amount it would have otherwise paid on the replacement vehicle.
- 2) The company may elect a cash settlement.
- A) A cash settlement must be based upon the retail value of the automobile as determined from a source or sources which are reflective of the market value of the total loss vehicle. For the purpose of this section, the use of dealer quotations (when the vehicle is available at the quoting dealer's lot) and newspaper advertisements may be used in lieu of the source generally used by the company if the file reflects that the vehicle was not quoted in the source generally used by the company or the source was not reflective of market value. Dealer quotations and newspaper advertisements may not be considered sole sources reflective of market values. When dealer quotations are used, the vehicle identification number must be contained in the file. Estimates from at least two dealers may be used when vehicles are not quoted in the source usually used by the company and are not available for replacement. Dealer estimates shall take into consideration the condition of the insured vehicle prior to the loss.
- C) The documentation of the determination of the total loss vehicle market value must be maintained in the claim file. If within 30 days of the receipt of the settlement by the insured, the insured cannot purchase a comparable vehicle of like kind and quality for the market value determined by the

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- company before applicable deductions and the insured has located but not purchased a comparable vehicle of like kind and quality in excess of such market value, the following procedure(s) shall apply:
- i) The company may locate a comparable vehicle of like kind and quality for the insured for the market value determined by the company at the time of settlement. Any such vehicle must be available through licensed dealers, or
- ii) The company shall either pay the insured the difference between the market value before applicable deductions and the cost of the comparable vehicle of like kind and quality which the insured has located or negotiate and effect the purchase of this vehicle for the insured, or
- iii) The company may elect to offer a replacement in accordance with the provisions set forth in subsection B of this Section, or
- iv) The company may conclude the loss settlement as provided for under the appraisal section of the insurance contract in force at the time of loss. This appraisal shall be considered as binding against both parties, but shall not preclude or waive any other rights either party has under the insurance contract or at common law.
- v) The company is required to provide written notice to the insured at the time of settlement that if within 30 days of the receipt of the settlement by the insured, the insured cannot purchase a comparable vehicle of like kind and quality for the market value determined by the company before applicable deductions and the insured has located but not purchased a comparable vehicle of like kind and quality in excess of such market value, the company will reopen their claim file.
- vi) The company is not required to take action under this Section 919-80(b)(2)(b) if its documentation to the insured at the time of settlement included written notification of the availability and location of a specific and comparable vehicle of the same make and model year in as good or better condition as the total loss vehicle which could have been purchased for the market value determined by the company before applicable deductions. The documentation shall include the vehicle identification number.
- c) Total Loss Vehicle Claims. When the insured vehicle has been determined a total loss, and the insurance policy provides for the adjustment and settlement of first party vehicle claims on the basis of actual cash value or replacement,

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the company shall establish a procedure to provide the insured with, at a minimum, the information contained in the attached Section 919, Exhibit A within 7 days of this determination, and shall follow one of the following methods:

1) The company may elect to replace the insured vehicle, providing that it is:

A) Comparable in that it will be by the same manufacturer, same year, similar body style, and similar options and price range as the insured vehicle and in as good or better overall condition and available for inspection at a licensed dealer within a reasonable distance of the insured's residence. The file must contain a description of the replacement vehicle, including the vehicle identification number and a schedule of options.

B) Replacement vehicles of the current model plus the 3 previous model years must be purchased through licensed dealers. This requirement may be waived in writing by the insured. The signed waiver must be maintained in the file.

C) Once the replacement vehicle is located, the insured shall be advised of the location of the vehicle and the replacement value including the applicable taxes, license and transfer fees. In the event the insured elects a cash settlement instead of such replacement vehicle, the company need pay only the amount it would have otherwise paid on the replacement vehicle. As a condition precedent to this method of settlement, the company must first offer the replacement vehicle to the insured and the insured must reject the offer. Evidence of such must be apparent in the file.

D) In the event that a replacement vehicle meeting the requirements of subsection (A) is not available or the insured rejects a replacement vehicle or the insured wants another available vehicle substantially similar in value, the option to replace the insured vehicle may be exercised provided the company has the insured's written waiver in the claim file that the acceptance of another vehicle is of his or her own free will and choice. The company need pay only the amount it would have otherwise paid on the replacement vehicle, including the applicable taxes, and transfer fees. The company may elect to pay a cash settlement. The company shall use one of the following methodologies to determine the market value of the insured vehicle: The cash settlement may be based upon the retail value of the vehicle as determined from one of the following sources:

A) A source or sources which are published on a regular basis, at least once every two (2) months, and contain the average retail, wholesale and finance value for all makes and models for at least each of the last five (5) model years as well as a listing and price for all major options; or

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B) An electronically computerized source or sources which:

i) computes statistically valid retail values including all major options and equipment, and applicable allowances for mileage and condition, for at least eighty-five percent (85%) of all makes and models for at least each of the last fifteen (15) model years;

ii) the retail value so generated shall be based on data from the area immediately surrounding the location where the insured vehicle was principally garaged and such value shall be based upon data compiled on at least 1.5 million passenger vehicles;

iii) compiles, maintains and provides, upon request, a record of valuations and monthly summaries of the average retail value, option value, and mileage for each general metropolitan area for the preceding twenty-four (24) month period.

C) The settlement may be based upon an electronically computerized service. Such settlement must include at least two (2) currently available vehicles from licensed dealers in Illinois or two (2) vehicles that have been sold by licensed dealers in Illinois, one of which was sold within the past thirty (30) days and one of which was sold within the past ninety (90) days. The location of the licensed dealer for each available or recently sold vehicle shall be within fifty (50) miles of the general metropolitan area where the data is gathered. The name and location of the licensed dealers, as well as the vehicle identification numbers (VINs), shall be maintained in the claim file. If the electronically computerized service does not include a sufficient number of vehicles to satisfy the requirements of this subsection, the service may provide an average from at least two (2) published sources that comply with subsection (2)(A) above.

D) If the insured vehicle is not quoted in the source or sources used by the company, the company shall then base the settlement upon at least two written dealers' quotations. The company shall furnish the names and locations of the dealers used to determine the market value to the insured, and a copy of the dealers' quotations.

E) In subsections (A), (B) (C) and (D) above, the claim file shall contain documentation of how the market value of the insured automobile was determined.

F) Right of Recourse - If within 30 days of the receipt of the claim draft, the insured cannot purchase a comparable vehicle in excess of such market value, the company will reopen its claim file and the following procedure(s) shall apply:

i) The company may locate a comparable vehicle by the same manufacturer, same year, similar body style and

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similar options and price range for the insured for the market value determined by the company at the time of settlement. Any such vehicle must be available through licensed dealers; or

ii) The company shall either pay the insured the difference between the market value before applicable deductions and the cost of the comparable vehicle of like kind and quality which the insured has located, or negotiate and effect the purchase of this vehicle for the insured; or

iii) The company may elect to offer a replacement in accordance with the provisions set forth in subsection (c)(1) of this Section; or

iv) The company may conclude the loss settlement as provided for under the appraisal section of the insurance contract in force at the time of loss. This appraisal shall be considered as binding against both parties, but shall not preclude or waive any other rights either party has under the insurance contract or at common law.

v) The company is not required to take action under this subsection (c)(2)(F) if its documentation to the insured at the time of settlement included written notification of the availability and location of a specified and comparable vehicle of the same manufacturer, same year, similar body style and similar options in as good or better condition as the total loss vehicle which could have been purchased for the market value determined by the company before applicable deductions. The documentation shall include the vehicle identification number.

3) Provisions applicable to subsections (b)(4) (c)(1) and (b)(2)(A-E) of this Section.

A) If a replacement vehicle is provided, the company is required to pay the applicable sales tax and transfer and title fees.

i) If a cash settlement is provided, and if within 30 days of the receipt of the settlement by the insured, the insured has purchased or leased a vehicle, the company is required to reimburse the insured for the applicable sales taxes and transfer and title fees incurred on account of the purchase or lease of the vehicle, but not exceeding the amount payable on account of the value of the total loss vehicle. If the insured purchases or leases a vehicle with a market value less than the amount of the settlement, then the company is required to reimburse only the amount of the applicable sales tax and transfer and title fees incurred by the insured. If the insured

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cannot substantiate such purchase and the payment of such taxes and fees, by submission to the company of appropriate documentation within 33 days after the receipt of settlement, the company shall not be required to reimburse the insured for the sales taxes or transfer or title fees. In lieu of this reimbursement procedure, the company may directly pay the required amounts of sales taxes, and transfer and title fees to the insured at the time of settlement. With respect to leased vehicles, sales taxes and transfer and title fees shall be deemed to be incurred by the insured at the time the lease is entered into, but only if such sales taxes and transfer and title fees are included in the cost of the lease or are paid directly by the insured.

ii) ~~Written notice of this procedure must be communicated to the insured at the time of settlement, together with Any form required by the company for applying for the reimbursement must be furnished by the company with either the notice or at the time of settlement.~~
B) Deductions of the kind commonly referred to as "get ready to go" and "dealer prep", or dealer preparation charges are prohibited.

ed) Practices Concerning Travel, Loss of Use, Storage/Towing and Betterment, Replacement Crash Parts and Automobile Repairs.

1) Unreasonable Travel.

A) The company shall not require the insured or claimant to travel unreasonably to inspect a replacement vehicle, nor shall the company require the insured or claimant to locate a replacement vehicle.

B) The company shall not require the insured or claimant to travel unreasonably either to obtain a repair estimate or to have the vehicle repaired at a specific repair shop that is recommended by the company.

C) The Department will consider availability and cost consideration in determining reasonable travel requirements. 2) Loss of Use. In automobile property damage liability claims in which liability is reasonably clear, the company shall pay for the reasonable and necessary costs, in direct proportion to the extent of its liability, incurred in the rental of another automobile as long as provided that the loss of use claim is submitted and substantiated. In those cases where the company pays a flat rental amount per day, week or month, it must disclose to the claimant where the claimant can obtain a vehicle for the amount of its payment.

3) Storage and Towing. The company shall provide reasonable notice to an insured prior to termination of payment for automobile storage charges and document such notice in the claim file. Reasonable notice shall constitute sufficient notice to the

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insured to allow them to remove the vehicle from storage prior to the termination of payment. Unless the company has provided an insured with the name of a specific towing company prior to the insured's use of another towing company, the company shall pay any and all reasonable towing charges irrespective of the towing company used by the insured. A company shall make no advance charge deductions for storage and towing charges unless excessive charges have resulted from the insured's own actions. The company shall itemize each advance charge deduction and maintain in the claim file documentation of the reasons and dollar amounts involved in each deduction. Any determination of reasonable towing charges shall consider policy coverage as well as the cost and distances involved in each claim.

4) Betterment deductions are allowable only if the deductions:

- A) reflect a measurable decrease in market value attributable to the poorer condition of, or prior damage to, the insured vehicle;
 - B) are for prior wear and tear, missing parts and rust damage that is reflective of the general overall condition of the vehicle considering its age, any such deductions for this type of damage may not exceed \$500; and
 - C) are measurable, itemized, specified as to dollar amount and documented in the claim file.
- D) No company shall require the insured or claimant to supply part for replacement.

5) Replacement Crash Parts

A) Purpose

The purpose of this subsection is to set forth standards for the prompt, fair and equitable settlements applicable to automobile insurance with regard to the use of replacement crash parts. It is intended to regulate the use of replacement crash parts in automobile damage repairs which insurers pay for on their insured's vehicle. It also requires that all replacement crash parts, as defined in this Section, be identified and be of the same quality as the original part.

B) Identification

All replacement crash parts, which are subject to this Section and manufactured after the effective date of this Section, shall carry sufficient permanent non-removable identification so as to identify its manufacturer. Such identification shall be accessible to the extent possible after installation.

C) Like Kind and Quality

No insurer shall require the use of replacement crash parts in the repair of an automobile unless the replacement crash part is at least equal in like kind and quality to the original part in terms of fit, quality and performance. Insurers specifying the use of replacement crash parts shall

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consider the cost of any modifications which may become necessary when making the repair.

6) Vehicle Repairs

If partial losses are settled on the basis of a written estimate prepared by or for the company, the company shall supply upon request of the insured, a copy of the estimate upon which the settlement is based. The estimate prepared by or for the company shall be reasonable, in accordance with applicable policy provisions, and of an amount which will allow for repairs to be made in a workmanlike manner. If the insured subsequently claims, based upon a written estimate which he obtains, that necessary repairs will exceed the written estimate prepared by or for the company, the company shall review and respond promptly to the insured and provide the insured with the name of a repair shop that will make the repairs in a workmanlike manner. Failure of the company to so inform the insured of the name of such a repair shop shall require the company to provide written notice to the insured that any and all reasonable costs incurred for repair or replacement related to the partial loss in excess of the company's estimate will be reimbursed by the company. The company shall maintain documentation of all such communications.

7)

Other Practices--and--Procedures Required Practices - Fire and Extended Coverage Claims

- A) An unreasonable delay to pay claims on policies of fire and extended coverage insurance, as defined in Section 143.13 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, 1987, ch. 73, par. 755.13), exists when a median payment period exceeds 40 calendar days.
- B) If a claim on a policy of fire and extended coverage insurance, as defined in Section 143.13 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, 1987, ch. 73, par. 755.13), remains unresolved for more than 75 calendar days from the date it is reported, or 25 calendar days after receipt of proof of loss, whichever is less, the company shall provide a reasonable written explanation for the delay to the insured. Notice of availability of the Department of Insurance shall accompany the written explanation to the insured.
- C) If partial losses are settled on the basis of a written estimate prepared by or for the company, the company shall supply upon request of the insured, a copy of the estimate upon which the settlement is based. The estimate prepared by or for the company shall be reasonable, in accordance with applicable policy provisions, and of an amount which will allow for repairs to be made in a workmanlike manner. If the insured subsequently claims, based upon a written estimate which he obtains, that necessary repairs will exceed the written estimate prepared by or for the company, the company shall review and respond promptly in writing to

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the insured in regard to his written estimate and provide that insured with the name of a repair shop or contractor that will make the repairs in a workmanlike manner. Failure of the company to so inform the insured of the name of a repair-shop-or-such-a contractor shall require the company to provide written notice to the insured that any and all reasonable costs incurred for repair or replacement related to the partial loss in excess of the company's estimate will be reimbursed by the company.

B) Actual Cash Value Losses.

A) When the insurance policy provides for the adjustment and settlement of losses on an actual cash value basis on residential fire and extended coverage as defined in Section 143.13 (4111-Revt-Statr-1981v-chr-73-par--755-13) of the Illinois Insurance Code, the company shall determine actual cash value, except for instances in which the insured's interest is limited as set forth in (B) below, as follows: replacement cost of property at time of loss less depreciation, if any. Upon the insured's request, the company shall provide a copy of the claim file worksheet(s) detailing any and all deductions for depreciation, including, but not necessarily limited to, the age, condition, and expected life of the property.

B) In cases in which the insured's interest is limited because the property has nominal or no economic value, or a value disproportionate to replacement cost less depreciation, the determination of actual cash value as set forth in subsection (A) above is not required. In such cases, the company shall provide, upon the insured's request, a written explanation of the basis for limiting the amount of recovery along with the amount payable under the policy.

C) When the period within which the insured may bring suit under a residential fire and extended coverage policy is tolled in accordance with Section 143.1 of the Illinois Insurance Code, the company, at the time it denies the claim, in whole or in part, shall advise the insured in writing of the number of days the period was tolled, and how many days are left before the expiration of the time to bring suit.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989.)

Section 919.90 Improper Practices or Procedures - Property and Casualty Companies

a) A claim shall not be denied on the basis of failure to exhibit property unless there is documentation of breach of the policy provisions in the claim file.

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- b) No company shall make any statement, written or oral, requiring a liability claimant to complete a proof of loss form, accident description, or release of claim for damages, which indicates that the claimant's rights may be impaired if such forms are not completed within a specified time, unless such statement is given for the purpose of notifying the claimant of the provisions of the statute of limitations.
- c) No company shall advise liability claimants to make claims under their own policies in cases where liability is reasonably clear.
- d) No company shall fail to effect settlement on first party claims on the basis that responsibility for payment should be assumed by other persons or insurers.
- e) No company issuing a motor vehicle insurance policy covering damages to a motor vehicle shall abandon the salvage of a motor vehicle to a towing service and/or storage yard service in lieu of the towing and storage charges, without the agreed permission of the towing service or storage yard service.
- f) No company shall deny a claim for storage charges on actual cash value fire and extended coverage losses when the personal property limits have been exhausted, if coverage exists under additional living expense.

(Source: Amended at 13 Ill. Reg. 1204, effective January 11, 1989.)

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Section 919, EXHIBIT A Total Loss Automobile Claims

1) Total Loss Claims

When you are involved in an automobile accident, one of the first things you may have to do is file a claim for damages to your vehicle. If your car is a total loss, this procedure can sometimes be confusing.

Your automobile insurance policy requires both you and your insurance company to follow certain steps after a loss occurs. This publication summarizes those requirements and outlines your rights.

The Illinois Department of Insurance has established regulations to protect you when you file an insurance claim. It is also important that you read your policy carefully so that you clearly understand your responsibilities.

If you still have questions, you can contact our Consumer Services Section at one of the following locations:

320 West Washington Street
Springfield, Illinois 62767
(217) 782-7446

100 West Randolph Street, Suite 15-100

Chicago, Illinois 60601

(312) 917-2427

2) Your Duties

1. You must immediately report all losses directly to your insurance producer or company.

2. If you suspect theft or vandalism, you must also report it immediately to the police. If you fail to do so, your company may deny your claim.

3. You must protect your automobile from further damage. For example, if you fail to cover a broken windshield and the upholstery is damaged by rain, your company can refuse to repair the seat.

4. Most insurance policies require that, within 91 days after the loss, you must submit a sworn proof of loss. A sworn proof of loss usually states the date of loss, how it happened, and for what purpose the automobile was being used. If you fail to submit a proof of loss your company may deny your claim.

5. You must cooperate with the insurance company, submit to examination under oath, if so requested, and show them the damaged property. If you fail to cooperate your company may deny your claim.

6. You should review the Conditions section of your policy for other possible requirements.

3) Your Insurance Company's Duties

When you file an automobile insurance claim, your insurance company has three options:

1) Replace the damaged or stolen property;

2) Repair the damaged property; or

3) Pay for the loss in cash.

Insurance Department regulations require the company to follow certain

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standards for each option.

4) Replacement

If the insurance company elects to replace your vehicle, the replacement must be a specific make and model comparable to your totalled vehicle, and it must be available in as good or better overall condition than your totalled vehicle. Replacement vehicles must be purchased through licensed dealers. Vehicles that are no more than three years old must be warranted.

If you reject a replacement vehicle, the insurance company must pay only the amount it would have otherwise paid for the replacement vehicle including applicable taxes, transfer and title fees. The company must offer you the replacement vehicle and you must reject the offer.

If you desire a replacement vehicle of similar value, this replacement method is also permitted.

5) Cash Settlement

If the insurance company elects to make a cash settlement for your totalled vehicle, they must first determine its retail value. Companies normally use guide books or computerized data marketed by various sources.

If your vehicle is not listed in one of these sources, the company can use written dealer quotes. Ordinarily, however, newspaper advertisements are not acceptable sources of market value.

6) Payment of Sales Tax

If within 30 days of a cash settlement, you can prove that you have purchased another vehicle, the company must pay the applicable sales tax, transfer and title fees in an amount equivalent to the value of the total loss vehicle. If you purchase a vehicle with a market value less than the amount previously settled upon, the company must pay you only the amount of sales tax that you actually incurred and include transfer and title fees. Your insurance company must give you written notice of this procedure.

7) Betterment Deductions

The insurance company is allowed to make deductions from the retail value if your automobile has old, unrepaired collision damages. There is no limit to the amount of the deduction.

The insurance company can also make deductions for wear and tear, missing parts and rust, but the maximum deduction may not exceed \$500.00.

All deductions must be itemized and specified as to dollar amount.

8) Retaining Your Totalled Vehicle

In an effort to minimize automobile "chop shop" crime, the Illinois Vehicle Code does not permit you the right to retain the salvage once your automobile has been deemed a total loss by your insurance company. The insurance company must take possession of the vehicle, if the vehicle is eight model years or newer.

9) Right of Recourse

If you cannot locate a replacement vehicle within 30 days of receiving a cash settlement, you may have some additional rights under your insurance contract. If you cannot purchase a substantially similar vehicle for the market value determined by the company, but you have located a substantially similar vehicle that costs more, the following procedures(s) shall apply.

1) The company shall either pay you the difference between the original settlement and the amount of the substantially similar vehicle which

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you have located or attempt to purchase this vehicle for you; or

2) The company shall locate a comparable vehicle for you at the market value determined by the company at the time of settlement; or

3) The company shall conclude the loss settlement as provided under the appraisal section of the insurance policy.

Your insurance company must give you written notice of this procedure once your vehicle has been determined a total loss.

This chart should assist you in determining the retail value of your automobile.

Value

Make of Automobile	
Model	
Engine Size	
Type Transmission	
(Auto/Standard)	
Power Steering	
Power Brakes	
Power Windows	
Air Conditioner	
Vinyl Roof	
Cruise Control	
Tilt Wheel/Telescope Wheel	
Power Locks	
Power Seats	
AM/FM Radio	
Stereo/Tape	
Rear Defog	
Mileage: Low/High	
Subtotal	
Minus Deductible	
Total	

The above figure represents an average automobile. Your automobile may be worth more or less than the above figure because of options on the automobile which are not listed in a guide book or because of the excessive wear and tear or old unrepaired damage to the automobile.

(Source: Added at 13 Ill. Reg. 1204, effective Jan. 11, 1989)

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NOTICE OF ADOPTED RULES

1) The Heading of the Part: Charitable Funds

2) Code Citation: 11 Ill. Adm. Code 208

3) Section Numbers: Adopted Action:
208.10 New Section
208.20 New Section
208.30 New Section
208.40 New Section
208.100 New Section
208.110 New Section
208.120 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8, pars. 37-9(b), 37-31.1

5) Effective Date of Amendments: January 13 1989

6) Does this rulemaking contain an automatic repeal date?
Yes X No

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: November 3, 1988

9) Notice of Proposed Published in Illinois Register:

September 2, 1988, 12 Ill. Reg. 13926

10) Has JCAR issued a Statement of Objections to this rule? Yes

If answer is "yes", please complete the following:

A) Statement of Objection: December 2, 1988, 12 Ill. Reg. 20234

B) Agency Response: Jan. 27, 1989 13 Ill. Reg. 1250

C) Date Agency Response Submitted for Approval to JCAR: December 16, 1988

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11) Difference between proposal and final version:

At the request of the Joint Committee on Administrative Rules, the following changes were made:

Added a parenthetical reading "(e.g., applications must include specification of funded positions as opposed to lump sum salary expense)" in Section 208.10(a) after "detailed."

Changed the words "or additions" in Section 208.10(b)(2) to read "of addition."

Rewrote Section 208.100(c)(2) to state that "The recipient shall submit a written explanation of the circumstances requiring modification with a new proposed budget itemizing the requested modification for expending Board funds."

Added another sentence to Section 208.100(d) reading: "The Board shall consider the amount of funds involved, the ultimate destination of the funds and the recipient's good faith efforts to comply with the requirements of this section."

Identified the AICPA as a 6.02(a) incorporation in Section 208.120(a) and 208.110(a).

Deleted the word "applicable" from Section 208.120(a).

Deleted the word "appropriate" from Section 208.110(b).

Added "only" after "report shall" and change "whenever" to "when" in Section 208.120(b)(2)(B).

Added a sentence to Section 208.120(b)(2)(C) stating: "Such an audit shall be performed when the Board determines that it is more probably true than not that the requirements of this Part have been violated."

Deleted the words "not to exceed 15% of the recipient's total budget" and replace them with "as specified in the proposed budget."

Deleted the label, "Procedures," in Section 208.10(a).

Changed the word "their" before "financial" in Section 208.10(b)(1) to "its."

Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

This rulemaking implements Section 37.31.1 of the Horse Racing Act of 1975, as amended by P.A. 85-1170, to establish rules governing distribution and utilization of charity funds.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Michael B. McClure
Board Counsel
State of Illinois Center
Address: Illinois Racing Board
Suite 11-100
100 West Randolph Street
Chicago, Illinois 60601
Telephone: (312) 917-2600

The full text of the Adopted Rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 208

CHARITABLE FUNDS

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section	
208.10	Application Procedure
208.20	General Program Requirements
208.30	Funding Priorities
208.40	Award of Charitable Funds

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

208.100	Use Of Funds
208.110	Accounting Requirements
208.120	Audits

AUTHORITY: Implementing and authorized by Sections 9(b) and 31.1 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch.8, pars. 37-9(b) and 37-31.1).

SOURCE: Adopted at 13 Ill. Reg. 1232, effective Jan. 13, 1989

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section 208.10 Application Procedure

- a) Pursuant to Section 37-31.1 of the Illinois Horse Racing Act of 1975 (Act) (Ill. Rev. Stat. 1987, ch.8, par. 37-31.1), the Illinois Racing Board (Board) shall annually distribute such funds as are collected from organization licensees pursuant to the terms of the Act. Applicants for such funds shall submit a completed application, containing such information as is required by the Board, to the Board's central office at 100 W. Randolph Street, Suite 11-100, Chicago, Illinois, 60601, no later than October 1 of each year. Any application containing a proposed budget not sufficiently

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detailed so as to inform the Board how all requested funding (e.g. applications must include specifications of funded positions as opposed to lump sum salary expenses) will be spent will be deemed incomplete. Applications deemed incomplete by the Board shall be returned to the applicant, with a written explanation as to how the materials are incomplete and a date by which the additional materials are to be submitted, within 30 days of the Board's receipt of the application. No incomplete application will be considered. Application materials may be obtained from the Board's office at the above address.

b) Eligible Entities

- 1) Any private, not-for-profit entity may apply to the Board for funds pursuant to Section 37-31.1(b) of the Act. Applicants must be able to document its not-for-profit status with a 501(c)(3)(26 U.S.C. 501(c)(3)) Internal Revenue Service ruling or a letter from the Illinois Attorney General's Charitable Trust Division containing the applicant's current registration number and confirming that the applicant is current in the filing of their financial reports.
- 2) Any private not-for-profit entity which is DEDICATED TO THE TREATMENT OR STUDY OF CHRONIC GAMBLERS OR RESEARCH AND EDUCATION RELATED TO CHRONIC GAMBLING or provides EDUCATION, PREVENTION, COUNSELING AND TREATMENT REFERRAL TO PERSONS LIVING OR WORKING IN THE RACING COMMUNITY WHO SUFFER FROM DISEASES OF ADDICTION may apply for funding pursuant to Section 37-31.1(c) of the Act. Private, not-for-profit entities must be able to document their not-for-profit status as required by Section 208.10(b)(1).

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Section 208.20 General Program Requirements

opposed to non-direct client service expenditures such as purchase of equipment).

a) Recipients of funding shall not deny charitable services on the basis of race, sex, age, religion, national origin or handicap. Recipients of funding shall not discriminate in the hiring or promotion of staff on the basis of race, sex, age, religion, national origin or handicap.

b) Client intake policies and procedures shall be set forth in writing and shall be available for review by the Board, when requested, to determine if the programs and services are being provided as described in the application materials.

c) Personnel policies shall be set forth in writing and be available for review by the Board upon request. Volunteer training procedures shall be set forth in writing and shall be available for review by the Board upon request.

d) Recipients of funding shall have rules to govern themselves when conflict of interest situations arise and shall incorporate such rules in their constitution or by-laws, or publish such rules as agency policy. Such rules shall be available to the Board for review upon request.

Section 208.30 Funding Priorities

a) In considering applications made for funds pursuant to Section 37-31.1(b) of the Act, the Board shall consider the following factors in determining whether to award funding: THE IMPACT OF THE CHARITABLE ACTIVITIES OF THE CHARITABLE ORGANIZATION ON THE RACING INDUSTRY; THE SOURCES OF REVENUE OF THE CHARITABLE ORGANIZATION; THE CHARACTER, REPUTATION, EXPERIENCE AND FINANCIAL INTEGRITY OF THE CHARITABLE ORGANIZATION; the extent to which there exists a demonstrated unmet need for the proposed services in the charitable organization's proposed service area; and the extent to which funding will result in provision of charitable services directly to those identified by the charitable organization as needing the services (as

b) In considering applications made for funds pursuant to Section 37-31.1(c) of the Act the Board shall consider the following factors in determining whether to award funding: the sources of revenue of the applicant; the character, reputation, experience and financial integrity of the applicant; commitment and ability of the applicant to provide the services described in the application; the extent to which there exists a demonstrated unmet need for the proposed services in the charitable organization's proposed service area; and the extent to which funding will result in provision of charitable services directly to those identified by the charitable organization as needing the services (as opposed to non-direct client service expenditures such as purchase of equipment).

Section 208.40 Award of Charitable Funds

No later than December 31 of each year, the Board shall inform all applicants of the decision made relative to their application and shall distribute all those funds awarded. All awards are subject to the availability of funds as specified in Section 37-31.1(a) of the Act.

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

Section 208.100 Use Of Funds

a) All funds awarded by the Board must be used as set forth in the application which served as the basis of the Board's award. The recipient of funds shall not change, modify, revise, alter, amend, or delete any part of the services it has agreed to provide in the application without first obtaining the written consent for such change, modification, revision, alteration, amendment or deletion from the Board.

b) When the recipient has demonstrated that in good faith it has attempted to comply with the terms specified in the application, but for unforeseen circumstances was not able to comply, a modification

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shall be considered. An example would be funding provided for a new staff position, but the recipient was not able to locate a qualified candidate to fill the position and has demonstrated an intent to hire a new staff person.

c) Procedures For a Modification

- 1) The recipient must notify the Board and identify the modification.
- 2) The recipient shall submit a written explanation of the circumstances requiring modification with a new proposed budget itemizing the requested modification for expending Board funds.
- 3) The explanation shall be reviewed by the Board and approved by the Board if the new request is consistent with the original intent of the agency's application and services.
- 4) Upon approval or denial of the request by the Board the recipient shall be so notified.
- d) Failure to meet the requirements of this Section shall result in the recipient's disqualification from future funding for a period of time as determined by the Board. The Board shall consider the amount of funds involved, the ultimate destination of the funds and the recipients good faith efforts to comply with the requirements of this Section.

Section 208.110 Accounting Requirements

- a) Each entity receiving funds is to establish and maintain a formal modified accrual accounting system in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) (1987) (no later amendments or editions are included) to include a level of documentation, classification of entries and audit trails sufficient to meet the requirements of this Part.

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- b) All accounting entries must be supported by source documents, recorded in books of original entry, and posted to a general ledger on a monthly basis.
- c) For programs funded by the Board, expenses are to be recorded by specific program. All expenses not funded by the Board may be booked in total.
- d) All fiscal records must be maintained by the recipient for five years after the end of the funding period. In instances involving unresolved issues arising from an audit, pending litigation or unresolved tax issues, records related to the unresolved issues must be retained until the issues are resolved.

Section 208.120 Audits

- a) Each recipient shall have an annual audit performed at the close of its fiscal year. This audit is to be performed in accordance with generally accepted auditing standards by an independent certified public accountant registered by the State of Illinois. The resulting audit report is to be prepared in accordance with the American Institute of Certified Public Accountants (AICPA) (1987) (no later amendments or editions are included) industry audit guide. The report shall contain the basic financial statements presenting the financial position of the agency, the results of its operations, and changes in fund balances. The report shall also contain the auditor's opinion regarding the financial statements taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the auditor expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefore must be stated.

b) Audit Report

- 1) The latest audit report is to be filed with the Board within 120 days of the end of the recipient's fiscal year.
- 2) Request For An Extension Of Time To File An Audit Report

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A) A request for an extension of time to file an audit report must be submitted in writing 60 days prior to the deadline for filing the audit report. This request must be approved or disapproved within 30 days of the deadline for filing the audit report. A request for an exception to these audit requirements must be submitted in writing 60 days prior to the deadline for filing the audit report. This request must be approved or disapproved within 30 days of the deadline for filing the audit report. Requests are to be directed in writing to the Board.

B) A request for an extension of time to file an audit report shall only be granted when the auditor submits a signed statement certifying that the audit cannot be completed in the designated time due to circumstances beyond the control of the auditor and the recipient. The auditor's statement must also detail the circumstances which form the basis for this request. No extension shall be for a period greater than 30 days.

C) Recipients shall also be subject to audit by Board personnel to determine whether the funds awarded by the Board are being used in accordance with proposed budget contained in the application. Such an audit shall be performed when the Board determines that it is more probably true than not that the requirements of this Part have been violated.

3) The following supplementary financial information for each fiscal year must be included in the audit reports.

A) Schedule of Income by Source

i) This schedule is to be developed using the same source classifications as pre-printed on the supplementary reports.

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ii) Individual sources of income should not be combined. For example: funds received from several state or federal agencies should not be combined into one classification, such as "State of Illinois" or "Federal Government".

B) Schedule of Operating Expenses by Program - Operating Fund

i) The term "operating fund" includes all funds a recipient may have in its accounting records except those in a capital fund or contingency reserve.

ii) The certified public accountant should record the expenses by program using the operating expense categories as pre-printed on the supplementary reports. The resulting statement is to include funded and unfunded programs alike. It is to include an allocation of administrative expenses and overhead costs to the various programs as specified in the proposed budget.

iii) The independent auditor should clearly establish his or her position regarding the reliability of the supplementary financial information presented in the schedules of income by source and expenses by program-operating fund, in addition to rendering an opinion concerning the financial statements as a whole. This can be done either by extending the overall opinion on the financial statements or by means of a supplementary opinion. If the independent auditor determines that the additional procedures necessary

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to permit a supplementary opinion to be rendered on the schedule of operating expenses would materially increase the audit time, the auditor may, alternatively, state the most likely source of the necessary information and the extent of the examination and responsibility he or she assumed, in the manner of a disclaimer, to call attention in the statement to any questions he or she may have as to the quantity, source, or destination of the recipient's operating funds.

- iv) The independent auditor should communicate in written form any material weakness in the recipient's internal controls when it impacts on the Board's funding. Copies of these communications are to be forwarded to the Board with the audit report.

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section numbers: Adopted Action:
3030.60 Repealed
3030.105 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of The Illinois Library System Act (Ill. Rev. Stat. 1987, ch. 81, pars. 111 et seq.)
- 5) Effective Date of Amendment: January 15, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 13, 1989
- 9) Notice of Proposal Published in Illinois Register:

July 29, 1988 - 12 Ill. Reg. 12180

- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. Stated that Section 3 of the Library Systems Act (Ill. Rev. Stat. 1987, ch. 81, par. 113) authorizes the proposed amendments in its Notice of Adopted Amendments.
 2. Updated the citations to the 1987 edition in the Authority for the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment:

This rulemaking will reduce the number of library systems which administer blind and physically handicapped information program for library patrons

NOTICE OF ADOPTED AMENDMENTS
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER 1: SECRETARY OF STATE

from 18 to 6. The service will not be diminished. The rulemaking changes the submission date of grant requests to May 1 instead of September 1 of each year.

PART 3030
THE ILLINOIS LIBRARY SYSTEM ACT

16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe
Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

The full text of the Adopted Amendments begins on the next page:

Section	
3030.10	Definitions
3030.15	Forms
3030.20	Administration of the Act: Hearings
3030.25	Establishment of Systems
3030.30	Geographic Boundaries
3030.35	Membership in a Library System
3030.40	Contracting Libraries
3030.45	Accessing Resources and Services
3030.50	Service Standards
3030.55	Service to State Institutions
3030.60	Services to the Physically Disabled (Repealed)
3030.65	Plan of Service for a Cooperative or Multitype Library System
3030.70	Plan of Service for a Public Library System
3030.75	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.80	Liquidation
3030.85	Merger
3030.90	Finances and Records
3030.95	Governing Board
3030.100	Rules
3030.105	State Grants
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Transfer of Membership
3030.125	Withdrawal of Membership
3030.130	Annual System Reports

AUTHORITY: Implementing and authorized by The Illinois Library System Act (Ill. Rev. Stat. 1987, ch. 81, pars. 111 et seq.)

SOURCE: Rules and Regulations for Library Systems and State Aid adopted November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989.

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Section 3030.60 Services to the Physically Disabled (Repealed)

Each system shall provide service to the physically disabled within its service area in accordance with the Revised Standards of Service for the Library of Congress Network of Libraries for the Blind and Physically Handicapped, 4-ABA, Chicago, 1984.

(Source: Repealed at 13 Ill. Reg. 1244, effective January 15, 1989)

Section 3030.105 State Grants

a) Application for Annual Per Capita and Area Grants shall be made to the State Librarian on or before September 1 May 1 of each year and shall consist of the following:

- 1) An annually updated plan of service.
- 2) The system's annual report for the preceding fiscal year.
- 3) The system budget for the current fiscal year, and
- 4) An estimate of receipts and expenditures for the ensuing fiscal year.

b) Application for Annual Grants to Systems Providing Services to Residents of State Institutions shall be made to the State Librarian on or before September 1 May 1 of each year and shall consist of:

- 1) A budget and a description of services to be offered.
- 2) A statement from the chief administrative officer of each institution served that the proposed library services are acceptable.

c) Application for Annual Grants to no more than six Systems Providing Administrative and Support Services to Libraries and Radio Information Services Serving Physically Disabled Individuals shall be made to the State Librarian on or before September 1 May 1 of each year and shall consist of a budget and a description of services to be offered. The State Librarian shall be notified of any change in their budget.

d) To be eligible for a per capita grant, a public library shall show that it will EITHER MEET OR SHOW PROGRESS TOWARD MEETING THE ILLINOIS LIBRARY STANDARDS, AS MOST RECENTLY ADOPTED BY THE ILLINOIS LIBRARY ASSOCIATION, by raising or improving its

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performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member.

e) Application for ANNUAL EQUALIZATION GRANTS and PER CAPITA GRANTS TO PUBLIC LIBRARIES shall be made prior to October 15 of each year.

f) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in Subsection (d) above. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accord with Section 8.1 of the Act shall result in ineligibility for future grants for a period of one year.

g) To qualify for ANNUAL GRANTS TO RESEARCH AND REFERENCE CENTERS each center shall contract annually with the State Librarian. The contract will specify by inclusion:

- 1) The terms for apportionment of the grant funding,
- 2) Services to be performed, and
- 3) Adherence to the Research and Reference Center Committee's Rules for making their collections available to the residents of the state and the established LONG RANGE cooperative ACQUISITIONS POLICIES TO STRENGTHEN THE EXISTING COLLECTIONS AND TO AVOID UNNECESSARY DUPLICATION.

h) The Research and Reference Center Committee shall be July 1 of each year file with the State Library for attachment to Research and Reference Center contracts:

- 1) A current copy of the Committee's "Long Range Acquisitions Policy," and
- 2) A current copy of their "Rules for Accessing Research and Reference Center Collections."

i) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agency shall jointly contract with the Illinois State Library and the

Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. This contract shall be supplemented annually with a contract with the State Library which shall include a long range program and budget in accordance with Section 3030.65 of this Part.

(Source: Amended at 13 Ill. Reg. 1244, effective January 15, 1989)

NOTICE OF MODIFICATION AND REFUSAL
TO MEET OBJECTIONS OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1. Heading of the Part: Charitable Funds
2. Code Citation: 11 Ill. Adm. Code 208

3. Sections Involved:

208.10	Refusal and Modification
208.20	Refusal
208.30	Refusal
208.40	Refusal
208.100	Refusal
208.110	Refusal
208.120	Refusal

4. Date Notice of Proposed Rules Published in the Register:
September 2, 1988, 12 Ill. Reg. 13926

5. Date JCAR Statement of Objection Published in the Register:
December 2, 1988, 12 Ill. Reg. 20234

6. Summary of Action Taken by the Agency:

Prior Implementation At its November 15, 1988 meeting the Joint Committee objected to Part 208 of the Board's rules because they were implemented prior to the completion of the rulemaking process. As noted by the Joint Committee's staff in its objection, the Illinois Horse Racing Act was amended by P.A. 85-1170, effective August 12, 1988, which created a new class of eligible applicant. No rulemaking could have been complete without implementing these legislative changes, so the Board elected to wait until these amendments were finalized before proposing its rules. The rules were sent to the Administrative Code Unit on August 22, 1988 and were published on September 2, 1988. The Act also required that applications be submitted by October 1. Consequently sufficient time did not exist to both comply with the regular rulemaking procedures and implement P.A. 85-1170. The Joint Committee notes in its objection that such conflicts justify the use of emergency rulemaking procedures. Previous to this the Board had not considered the emergency procedures as applicable to such situations, but will adopt this interpretation to resolve such conflicts in the future.

ILLINOIS RACING BOARD

NOTICE OF MODIFICATION AND REFUSAL
TO MEET OBJECTIONS OF THE JOINT COMMITTEE
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Statutory Authority -- At the November 15, 1988 meeting, the Joint Committee on Administrative Rules objected to Section 208.10(a) of the Board's rules because the Board lacked the statutory authority to require, in its "Application for Charitable Contributions", information as to certain political contributions. At the Joint Committee's November 15 meeting the Board informed the Joint Committee that it would remove the objectionable required information from the application materials.

Standards -- At its November 15, 1988 meeting the Joint Committee objected to Section 208.30 of the Board's rules because the Board had not met the requirements of Section 4.02 of the Illinois Administration Procedure Act in establishing its criteria for selecting applicants for charitable funds. The Joint Committee objected to the following language in 208.30(a):

the Board shall consider the following factors in determining whether to award funding: the impact of the charitable activities of the charitable organization on the racing industry...the character, reputation, experience and financial integrity of the charitable organization; [and] the extent to which there exists a demonstrated need for the proposed services in the charitable organization's proposed service area....

The Joint Committee objected to the following language in 208.30(b):

the Board shall consider...the character, reputation, experience and financial integrity of the applicant to provide the services described in the application; [and] the extent to which there exists a demonstrated need for the proposed services in the charitable organization's proposed service area....

The Board feels that the above quoted language states "as clearly and precisely as practicable" the standards by which the Board selects recipients of charitable funds. Sections 208.30(a) and 208.30(b) each identify five factors which the Board considers in evaluating the application, including

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those required to be considered by the legislature. The statute requires that the Board consider the impact of the proposed charitable activity on the racing community. This is the only substantive area to which the legislature has mandated the Board give preference, the other legislative criteria being those relating to attributes of the applicant. Consequently, such programs, by the clear terms of the above quoted language, are to be given primacy over other substantive areas (i.e. programs for the homeless). This conclusion is necessitated by the plain language of the rule and requires no further elucidation. While the Joint Committee's statement of objection relies on representations made by Board staff as to the interpretation of the existing regulatory language, the statement of objection presents only selected portions of the Board's responses and serves to create an inaccurate representation of those positions. For example, the Joint Committee makes note of the fact that a charitable activity may have a direct as opposed to a peripheral effect on the racing industry. The statement of objection concludes that this recognition is somehow a standard of selection used by the Board and represents a policy not expressed by rule. However, it merely acknowledges the conceptual necessity that when comparing how differing programs "impact" on the racing industry, all the differing programs will not have an equal impact. This fact does not mean that the Board is utilizing an unexpressed standard, which could be expressed by rule as the statement of objection alleges. The Board feels that to attempt a quantification of impact would be impractical due to the myriad factors which would have to be specified, categorized and ranked according to formula. The Board feels that such an attempt is simply too voluminous to be feasible, would exclude legitimate concerns which could not be pigeonholed consistent with the specificity required by such a project and is not required by the "practicable" standard of Section 4.02. The statement of objection also alleges that the Board utilizes the statutory criteria of character, reputation, experience and financial integrity to make funding decisions on a subjective basis. The Joint Committee's position assumes that criteria such as character and reputation are capable of an objective, formulaic ranking among the applicants, a conclusion with which the Board disagrees. The Board feels that to further specify either how each of the factors weighs relative to the others, or how each applicant

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may be evaluated relative to other applicants to determine how the applicants meet a single standard, would not be practicable. To specify what precise factors the Board will consider as a ranking of financial integrity, or to what greater degree one activity has on the racing industry as opposed to another, would be impractical. The Board feels that readers are made aware as to what factors are examined in evaluating applications and, consequently what will serve as the basis for the decision to award funds. It is incorrect to assume that there is a regulatory formula which, by the operation of its own terms, will serve to rank and eliminate applicants so that there remains only enough applicants as the Board has funds. The rules do serve to inform potential applicants of the attributes an application must embody to be successful, which the Board feels is all that is "practicable".

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STATEMENT OF RECOMMENDATION

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of Part: Pay Plan
Code Citation: 80 Ill. Adm. Code 310
Section Numbers: 310. Appendix A, Table P
Date Originally Published in Illinois Register: December 9, 1988
12 Ill. Reg. 20584

At its meeting on January 9, 1989, the Joint Committee recommended that the Department of Central Management Services provide the information to the Joint Committee relating to the above-referenced rulemaking.

The specific recommendation is as follows:

The Joint Committee requests that the Department of Central Management Services immediately provide the Joint Committee with a copy of the collective bargaining agreement which required the promulgation of these peremptory rules.

The Department of Central Management Services promulgated this peremptory rulemaking to amend its salary tables pursuant to an agreement with the Illinois State Employees Association to eliminate the class title, Security Materials Courier, in Section 310. Appendix A, Table P, RC-029, to abolish this title on November 1, 1988. Under Section 2 of the IAPA, pay rates established pursuant to Section 8a of the Personnel Code (Ill. Rev. Stat. 1987, ch. 127, par. 63b 108a) shall be amended or repealed pursuant to the process set forth in Section 5.03 of the IAPA within 30 days after it becomes necessary to do so due to a conflict between the rates and the terms of a collective bargaining agreement covering the compensation of an employee subject to that Code. The Department promulgated these peremptory rules to effect the provisions of this collective bargaining agreement. Published in the Illinois Register on December 9, 1988, these peremptory rules became effective November 28, 1988.

Section 240.300 of the Joint Committee's Operational Rules which effects the provisions of Section 5.01 of the IAPA requires that the agency submit a copy of the collective bargaining agreement within 30 days after the rule is required or necessary or on or before the rulemaking is filed with the Administrative Code Division. Unless the Joint Committee receives such a copy, the Joint Committee is required to request a copy, which must be immediately provided by the agency. On December 19,

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1988, the Joint Committee sent a letter to the Department requesting a copy of the agreement which required the promulgation of peremptory rules. As of December 30, 1988, the Department of Central Management Services has not complied with the Joint Committee's request. As such, the Joint Committee cannot review the peremptory rule until the Department provides a copy of the collective bargaining agreement which necessitated this peremptory rulemaking.

Therefore, the Joint Committee requests that the Department of Central Management Services immediately provide the Joint Committee with a copy of the collective bargaining agreement which required the promulgation of these peremptory rules.

STATEMENT OF OBJECTION

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of Part:

Solicitation for Charitable Payroll Deductions

Code Citation:

80 Ill. Adm. Code 2650

Section Numbers:2650.1, 2650.5, 2650.10, 2650.15, 2650.20, 2650.25,
2650.30Date Originally Published in Illinois Register:April 15, 1988
12 Ill. Reg. 6871

At its meeting on January 9, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the rulemaking of the Department of Central Management Services entitled "Solicitation for Charitable Payroll Deductions" (80 Ill. Adm. Code 2650) because, the Department has implemented these rules prior to the completion of the required rulemaking procedures of the Illinois Administrative Procedure Act in violation of Sections 4(c), 5(a) and 5.01(c) of the Act.

The Department of Central Management Services proposed this rulemaking governing the solicitation of state employees by charitable organizations seeking payroll deductions for their programs. The rulemaking regulates charitable organizations seeking signatures for petitions qualifying them for payroll deductions and solicitations of state employees' charitable contributions, and establishes an organizational structure to administer charity efforts supported and recognized by state agencies, employees and affected charitable organizations.

The Department published identical emergency rules, effective April 1, 1988. The first notice for the permanent rules commenced April 15, 1988. In response to Joint Committee inquiries regarding the emergency rules, the Department repealed them via emergency rulemaking on May 25, 1988, leaving the permanent rules to be adopted by means of the normal rulemaking process under Section 5.01 of the IAPA. The Joint Committee also objected to the emergency rulemaking of the Department at its June 14, 1988 meeting on the grounds that no threat to the public safety, interest or health existed to justify the use of emergency rulemaking in this instance. It should be noted that in its Notice of Emergency Rulemaking the Department stated there was a need to have a

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clear cut-off date for charities to be eligible to receive payroll deductions. When the emergency rules were repealed, it was stated this factor was no longer present. The organizational and administrative elements of this program would then presumably be put in place by means of the normal rulemaking process under Section 5.01 of the IAPA. The Department filed its second notice on October 11, 1988, with the second notice expiring no earlier than January 12, 1989.

During the summer months of 1988, the Joint Committee and numerous other state agencies received copies of memoranda, correspondence and forms to be employed in administering this program. Training services for State Employees Combined Appeal (SECA) Coordinators were scheduled for August 2nd and 3rd. SECA coordinators are to be appointed pursuant to Section 2650.10 of the Department's rulemaking. If the implication of a memorandum dated July 8, 1988 is to be given heart (in which SECA coordinators are directed to attend training services), such coordinators had been appointed by that date, some three months before the Department's second notice filing, and four and one-half months before the rulemaking could be adopted pursuant to Section 5.01 of the IAPA. SECA coordinator and liaison report forms and SECA coordinator job descriptions were prepared. The job description for the SECA coordinators states that one of their duties is to "complete all work on the campaign, including final reports, by November 15th." Clearly then, the Department has implemented components of this program prior to the adoption of rules governing it. Another example is listed in the text of the Department's rule [Section 2650.15(a)] in which it states "the duration [of the annual SECA charity drive] shall not be more than eight weeks in any given year and shall commence the second Tuesday after Labor Day." Therefore, the SECA charity drive whose administration is the focus of this rulemaking has already been put into place.

The Department was asked its rationale why it had already implemented this program. The Department's response was that it had conducted this program without the benefit of administrative rules for many years past, that it was uncertain whether administrative rules were even necessary and that it proposed administrative rules to have the benefit of public comment and Joint Committee input concerning this subject matter. The Department admits prior implementation of these rules prior to adoption.

Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, or 5.03, whichever is applicable." In this instance the general rulemaking procedures required

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by Section 5.01 are applicable. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection and filed with the Secretary of State as required by this Act." The Department has failed to comply with the requirements of Sections 5(a) and 5.01 prior to invoking the rule.

By circumventing the rulemaking process established by the IAPA, the Department has not allowed the opportunity for public notice and comment provided for under Section 5.01 of the IAPA. One of the announced reasons for promulgation of this rule given by the Department is that it wished public and Joint Committee input concerning this rulemaking. That objective has been thwarted in this instance. As a result, those persons affected by the rules have been required to comply with procedures that have not been subject to public input.

Although the Department might argue that an objection by the Joint Committee would hamper state employee charity efforts, the Department's prior implementation (indeed, completion) of this year's charity drive is not jeopardized in this instance.

Therefore, the Joint Committee objects to the rulemaking of the Department of Central Management Services entitled "Solicitation for Charitable Payroll Reductions" (80 Ill. Adm. Code 2650) because, the Department has implemented these rules prior to the completion of the required rulemaking procedures of the Illinois Administrative Procedure Act in violation of Sections 4(c), 5(a) and 5.01(c) of the Act.

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DEPARTMENT OF PUBLIC AID

Heading of Part: Medical PaymentCode Citation: 89 Ill. Adm. Code 140Section Numbers: 140.100Date Originally Published in Illinois Register:October 14, 1988
12 Ill. Reg. 16421

At its meeting on January 9, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 140.100(e) of the rules of the Illinois Department of Public Aid entitled "Medical Payment," 89 Ill. Adm. Code 140, because contrary to Section 4.02 of the Illinois Administrative Procedure Act (IAPA), the rules fail to articulate the standards (already detailed in the consent decree for Glenn D. v. Duffy, No. 84-C-10863 (N.D. Ill. 1988) which the Department requires its designated Peer Review Organization (PRO) to utilize when determining whether to reimburse a claim for inpatient psychiatric care.

These rules implement the terms of the consent decree in Glenn D. v. Duffy, No. 84-C-10863 (N.D. Ill. 1988). The rules delete the terms of Section 140.100(e), which limit payment for inpatient psychiatric services to an initial period of ten 24 hour consecutive days and an extended period of up to ten 24 hour consecutive days, with total reimbursement for only 45 total days of hospitalization in a twelve month period. The Department has amended Section 140.100 to now state that

[p]ayment for all in-patient psychiatric services is subject to a prepayment review. Only inpatient psychiatric care medically necessary will be reimbursed by the Department.

Section 140.100 was modified pursuant to the terms of the consent decree in Glenn D. v. Duffy, No. 84-C-10863 (N.D. Ill. 1988). Glenn D. requires the Department to modify its payment procedures and standards for inpatient psychiatric care by paying for all medically necessary inpatient psychiatric care. The medical necessity of care is required to

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be determined by means of a prepayment review conducted by a Peer Review Organization (PRO) designated by the Department. The sole criteria and standards the PRO must use in determining what is medically necessary treatment are set forth in Attachment A of the consent decree.

The Department was asked to clarify Section 140.100 by explaining who determines whether care is medically necessary, as well as the criteria used to make this determination.

The Department explained that the PRO makes the determination of medical necessity and offered to add two new sentences prior to the last sentence of Section 140.100 stating that

[a]ll prepayment review shall be conducted by the Department's designated peer review agent. Pre-payment review shall be used to determine the appropriateness and necessity of the inpatient psychiatric care.

The Department refused to include by rule the standards already required by the consent decree to be used to make the "medically necessary" determination, asserting that this is not necessary because the Department itself is not making these determinations. Also, the Department stated, if it were to include such standards in this section, it would be required to do the same in other similar situations. To do so would be administratively burdensome, the Department argued. Also, the Department asserted, the Department could change the terms of the consent decree. If such changes were made and the standards were included by rule, the Department would have to amend the rules for each change. This practice, too, would be burdensome for the Department. The Department argued that in another similar rulemaking governing amendment of Section 140.364 (prepayment review for general inpatient services, considered at the Joint Committee's December 15, 1988 meeting), the Committee did not require the Department to specify the standards used by a PRO to determine the medical necessity of an inpatient stay. The Department asserted that the instant rules are no different from those previously considered, and as a result, the Committee's insistence that prepayment review standards be included is misplaced. Also, the Department stated, the consent decree is a public document. Because it is already accessible to the public, the Department asserted, its terms do not need to be included in rules.

The Department's responses are unpersuasive. Section 4.02 of the IAPA states that when an agency exercises its discretionary authority by rule,

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it shall state as clearly as practicable the standards by which it will exercise that authority. This section was created, in part, to alert the affected public of the standards by which its actions or compliance will be gauged. Section 4.02 also serves to minimize the potential for an agency's inconsistent exercise of discretion.

The Department's refusal to include standards in its rule is puzzling. As the Department has indicated, the precise standards used to make the "medically necessary" determination are mandated by the terms of the consent decree. The Department is clearly required to comply with the mandate of Section 4.02 in this instance, for the Department, through its PRO, exercises its discretion in determining whether the inpatient psychiatric hospitalization was "medically necessary." Contrary to the assertions of the Department, this rulemaking is different from the rulemaking amending Section 140.364. Unlike those rules, the amendments to Section 140.100 are mandated by a consent decree. Additionally, the consent decree specifically details the medical criteria to be applied by a PRO when making the determination of "medical necessity," and also clearly limits the PRO's assessment to those criteria. While Section 140.364 permits a PRO examiner to use her medical expertise to determine whether inpatient services are medically necessary, the specific terms of the consent decree must guide this judgment in the case of prepayment review for inpatient psychiatric hospitalization. The two rulemakings are thus distinguishable. Because specific criteria for the determination of "medical necessity" are mandated by the consent decree, they should be included, in some manner, in the text of the rules so that the affected public is put on notice of the standards by which the Department will review payment claims.

Contrary to the assertions of the Department, the consent decree is not a truly accessible document for the majority of the affected public. The affected public, in this instance, would appear largely indigent and/or medically restricted. Such persons may be unable to procure the consent decree and understand its terms, or, in the alternative, to afford legal counsel to complete these tasks. The Department's assertion that inclusion of standards is administratively burdensome is similarly misplaced, for the Department, perhaps more so than other agencies, constantly amends its rules. It should be noted, in fact, that the consent decree's relief provisions specifically mention that notice of any modification of the terms of the decree "may be accomplished by the general rule-making provisions of the Illinois Administrative Procedure Act." In any event, written notice of modification must be made no less than thirty days prior to the implementation of a change. The Department's refusal to place the criteria established by the consent

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decree to be used by a PRO to determine the medical necessity of an inpatient psychiatric hospitalization violates the mandate of Section 4.02 of the IAPA.

Therefore, the Joint Committee objects to Section 140.100(e) of the rules of the Illinois Department of Public Aid entitled "Medical Payment," 89 Ill. Adm. Code 140, because contrary to Section 4.02 of the Illinois Administrative Procedure Act (IAPA), the rules fail to articulate the standards (already detailed in the consent decree for Glenn D. v. Duffy, No. 84-C-10863 (N.D. Ill. 1988) which the Department requires its designated Peer Review Organization (PRO) to utilize when determining whether to reimburse a claim for inpatient psychiatric care.

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DEPARTMENT OF PUBLIC AID

Heading of Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.445

Date Originally Published in Illinois Register: October 28, 1988
12 Ill. Reg. 17172

At its meeting on January 9, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 140.445 of the rules of the Illinois Department of Public Aid entitled "Medical Payment," 89 Ill. Adm. Code 140, because by distributing an "Informational Notice" on June 1, 1988 which states that effective July 1, 1988, the Department will reimburse pharmacies for the acquisition cost of prescription drugs at either the pharmacy's prevailing charge to the general public, the average wholesale price minus 7.5 percent, plus the established professional fee, or the maximum price listed in the Drug Manual, plus the established professional fee, the Department has implemented this rule prior to completion of the rulemaking procedures required by Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act (IAPA).

This rulemaking amends rules of the Department entitled "Medical Payment," 89 Ill. Adm. Code 140. Amendments to Part 140 modify the formula used by the Department to reimburse pharmacies for the cost of acquiring prescription drugs. Section 140.445, as amended, reflects two new policies of the Department. For items for which the Drug Manual establishes a maximum price, the Department will now pay either the pharmacy's prevailing charge to the general public or the listed maximum price plus the established professional fee, whichever is lowest. A third method of cost calculation, the pharmacy's actual acquisition cost plus the established professional fee, has been deleted from this formula. Similarly, the Department has modified its reimbursement formula for items for which the Drug Manual does not establish a maximum price. The Department will now reimburse at the pharmacy's prevailing public charge or average wholesale price minus 7.5 percent plus the established professional fee (effective July 1, 1988 until July 1, 1989, at which time the percentage is increased to 10 percent), whichever is lowest. The

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average wholesale price calculation is new, and replaces deleted language requiring the Department to reimburse at a pharmacy's actual acquisition cost plus the established professional fee (if lower than the prevailing public charge).

The Department was asked to explain its authority to delete the actual acquisition cost formula and implement the average wholesale price formula, with a 7.5 percent deduction, effective July 1, 1988. The Department was also asked to provide the Joint Committee with a citation to the informational memorandum which implemented this calculation and deleted the actual acquisition cost formula.

The Department stated that P.A. 85-1242, effective August 30, 1988, amended Section 5-5.12 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 5-5.12) ("the Code") to allow the Department to set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost. The Department also explained that federal regulations (found at 52 Fed. Reg. 28657) requiring state agencies to reimburse such drugs at the lower cost of either an estimated acquisition cost plus reasonable dispensing fees or a provider's usual and customary public charge required this change. The Department admitted that an informational memorandum dated June 1, 1988 effected this change. The Department stated that, given the federal regulations, it had to immediately discontinue use of the actual acquisition cost calculation and replace it with the average wholesale price formula, even if rules were not in place. Also, the Department stated that expansion of Section 5-5.12 of the Code to allow use of the average wholesale cost formula allowed it to effect this change.

The Department's responses are unpersuasive. Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, or 5.03, whichever is applicable." In this instance, the Department decided to use the general rulemaking procedures required by Section 5.01. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." By implementing this rule before completion of rulemaking procedures, the Department has failed to comply with the requirements of Sections 5(a) and 5.01. While P.A. 85-1242 allows the Department to set the rate of reimbursement by use of percentage of the average wholesale cost, it specifically states that the Department shall set this rate "by rule." As the Department admitted, it implemented this rate by means of an

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informational notice, not by rule. Although the Department is now in the process of promulgating rules to implement the new reimbursement formula, the Department's informational notice indicated that the new formula became effective on July 1, 1988, over five months prior to Joint Committee consideration of these rules. If federal regulations required that the Department immediately implement these rules, it is possible that the Department could have used the emergency rulemaking process to implement its new reimbursement formula. The Department must implement the broad terms of a statute through the rulemaking process, so that the public is given notice of the proposed rules and has an opportunity to comment upon them. The Department's implementation of these rules prior to completion of general rulemaking procedures frustrates these important procedural due process safeguards.

This is not the first time that the Joint Committee has objected because rules have been implemented prior to adoption in accordance with the IAPA. The overwhelming precedent of the Committee has been to object whenever policy is implemented prior to completion of rulemaking procedures. At its March 4, 1987 meeting, the Committee objected to the proposed rules of the Department of Public Aid entitled "Medical Payment (Eligibility for QUIP)" (89 Ill. Adm. Code 140.525) because the Department, prior to adoption, had implemented a rule which benefitted nursing homes and residents by granting quality incentive money to the homes as soon as possible. Even more recently at its April 29, 1987 meeting, the Committee also objected to several Departmental rulemakings which implemented policies prior to their adoption as rules (i.e., "Aid to the Aged, Blind or Disabled," 89 Ill. Adm. Code 113 and "Food Stamps," 89 Ill. Adm. Code 121). Like these other rulemakings, the Department has implemented these rules prior to completion of the general rulemaking procedures of the IAPA.

Therefore, the Joint Committee objects to Section 140.445 of the rules of the Illinois Department of Public Aid entitled "Medical Payment," 89 Ill. Adm. Code 140, because by distributing an "Informational Notice on June 1, 1988 which states that effective July 1, 1988, the Department will reimburse pharmacies for the acquisition cost of prescription drugs at either the pharmacy's prevailing charge to the general public, the average wholesale price minus 7.5 percent, plus the established professional fee, or the maximum price listed in the Drug Manual, plus the established professional fee, the Department has implemented this rule prior to completion of the rulemaking procedures required by Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act (IAPA).

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STATEMENT OF OBJECTION

ILLINOIS RACING BOARD

Heading of Part: Ownership, Partnership and Stable Name
Code Citation: 11 Ill. Adm. Code 1409
Section Numbers: 1409.120, 1409.130
Date Originally Published in Illinois Register: November 4, 1988
12 Ill. Reg. 17761

At its meeting on January 9, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Sections 1409.120 and 1409.130 of the rules of the Illinois Racing Board, because the Board lacks the statutory authority under Section 37-15 of the Horse Racing Act of 1975, to exempt from licensure certain owners of horses who own less than a 5% interest in a horse.

The Board proposed this rulemaking to amend its rules concerning corporate ownership and partnership ownership of thoroughbred horses. Sections 1409.120 and 1409.130 are similar provisions. Section 1409.120 details the requirements for Partnerships, while Section 1409.130 details corporate requirements. Section 1409.120 requires all partners of a general partnership to be licensed as owners, and in the case of a limited partnership all general partners and limited partners owning a 5% or more interest in a horse must be licensed as owners. Section 1409.130 requires that all officers, directors and shareholders owning a 5% or more of any class of stock of a corporation to be licensed as owners. All non-licensed partners or shareholders must be eligible for licensure, even if their ownership interests are below the threshold percentages for licensure set forth in the rules. Each rule provides that nonlicensed partners or shareholders shall "submit application material sufficient to determine its status (license eligibility) upon a determination by the stewards that it is more probable than not that such person is ineligible for licensure."

The Board was asked to provide the standards the stewards will use for determining probable licensure ineligibility. The Board responded that the stewards have no standards for determining probable licensure ineligibility other than knowledge or belief that such a person would not

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be eligible, as for example where a steward would have personal knowledge a person whose license was revoked, suspended, or denied in another racing jurisdiction was an owner. As the Board has previously indicated in its response to public comment on these rules concerning the meaning of "ineligibility for licensure" "the [Board's] discretionary authority to grant occupation licenses is dependent upon the circumstances of the individual case. No determination in advance of the presentation and consideration of the facts at hand is possible."

Section 4.02 of the IAPA states that rules implementing discretionary powers to be exercised by an agency shall include the standards by which the agency shall exercise the power. Section 4.02 provides that such standards shall be stated as clearly and precisely as practicable and was designed to ensure that parties affected by the rulemaking know the standards against which their compliance will be measured. The stewards are exercising a discretionary authority when determining "that it is more probable than not that such person is ineligible for licensure." As such Sections 1409.120 and 1409.130 must conform to the requirements of Section 4.02.

The lack of standards for the exercise of discretion by the stewards in requiring the filing of licensure materials also raises a statutory issue. Section 37-15 of the Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, par. 37-15) sets forth a list of persons who must be licensed by the Board. One of the groups subject to licensure is "horse owners." However, the Board's rulemaking apparently, for reasons of administrative convenience, exempts certain persons with a percentage of ownership below a threshold level of 5% from licensure. If these rules were drafted so that they were complete with standards which ensure that all owners of record would be investigated to determine eligibility for licensure, the rules could perhaps be defensible on a statutory basis. However, given the lack of standards in the rules, no such assurance exists that all owners of record are in fact eligible for licensure.

Therefore, the Joint Committee objects to Sections 1409.120 and 1409.120 of the rules of the Illinois Racing Board, because the Board lacks the statutory authority under Section 3-15 of the Horse Racing Act of 1975, to exempt from licensure certain owners of horses who own less than a 5% interest in a horse.

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Heading of Part: Racing, Farm, and Corporate or Stable Name

Code Citation: 11 Ill. Adm. Code 1308

Section Numbers: 1308.30 and 1308.40

Date Originally Published in Illinois Register: November 4, 1988
12 Ill. Reg. 17766

At its meeting on January 9, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Sections 1308.30 and 1308.40 of the rules of the Illinois Racing Board, because the Board lacks the statutory authority under Section 37-15 of the Horse Racing Act of 1975, to exempt from licensure certain owners of horses who own less than a 5% interest in a horse.

The Board proposed this rulemaking to amend its rules concerning corporate ownership and partnership of standardbred horses. Section 1308.30 and 1308.40 are similar provisions. Section 1308.30 details the requirements for Partnerships, while Section 1308.40 details corporate requirements. Section 1308.30 requires all partners of a general partnership to be licensed as owners, and in the case of a limited partnership all general partners and limited partners owning a 5% or more interest in a horse to be licensed as owners. Section 1308.40 requires all officers, directors and shareholders of a corporation owning a 5% or greater interest in a horse must be licensed as owners. All non-licensed partners or shareholders must be eligible for licensure, even if their ownership interests are below the threshold percentage for licensure set forth in the rules. Each rule provides that nonlicensed partners or shareholders shall "submit application material sufficient to determine this status (license eligibility) upon a determination by the stewards that it is more probable than not that such person is ineligible for licensure."

The Board was asked to provide the standards the stewards will use for determining probable licensure ineligibility. The Board responded that the stewards have no standards for determining probable licensure ineligibility other than knowledge or belief that such a person would not

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be eligible, as for example where a steward would have personal knowledge a person whose license was revoked, suspended, or denied in another racing jurisdiction was an owner. The Board indicated in its response to public comment on these rules concerning the meaning of "ineligibility for licensure" "the [Board's] discretionary authority to grant occupation licenses is dependent upon the circumstances of the individual case. No determination in advance of the presentation and consideration of the facts at hand is possible."

Section 4.02 of the IAPA states that rules implementing discretionary powers to be exercised by an agency shall include the standards by which the agency shall exercise the power. Section 4.02 provides that such standards shall be stated as clearly and precisely as practicable and was designed to ensure that parties affected by the rulemaking know the standards against which their compliance will be measured. The stewards are exercising a discretionary authority when determining "that it is more probable than not that such person is ineligible for licensure." As such Sections 1308.30 and 1308.40 must conform to the requirements of Section 4.02.

The lack of standards for the exercise of discretion by the stewards in requiring the filing of licensure materials also raises a statutory issue. Section 37-15 of Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, par. 37-15) sets forth a list of those persons who must be licensed by the Board. One of the groups subject to licensure are "horse owners." However, the Board's rulemaking, apparently, for reasons of administrative convenience, exempts certain persons with a percentage of ownership below a threshold level at 5% from licensure. If these rules were drafted so that they were complete with standards which ensure that all owners of record would be investigated to determine eligibility for licensure, the rules could perhaps be defensible on a statutory basis. However, given the lack of standards in the rules, no such assurance exists that all owners of record are in fact eligible for licensure.

Therefore, the Joint Committee objects to Sections 1308.30 and 1308.40 of the rules of the Illinois Racing Board, because the Board lacks the statutory authority under Section 37-15 of the Horse Racing Act of 1975, to exempt from licensure certain owners of horses who own less than a 5% interest in a horse.

OBJ17766

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

DEPARTMENT OF STATE POLICE

Heading of Part: Certification and Training of Electronic Criminal Surveillance Officers

Code Citation: 20 Ill. Adm. Code 1295

Section Numbers: 1295.40, 1295.50, 1295.60, 1295.70

Date Originally Published in Illinois Register: October 21, 1988
12 Ill. Reg. 17064

At its meeting on January 9, 1989, the Joint Committee recommended that the Department of State Police seek legislation relating to the above-referenced rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendations are as follows:

Recommendation 1

The Joint Committee suggests to the Department of State Police that it seek legislation amending the Criminal Code of 1961 to grant it the specific authority to revoke or suspend certifications.

The Department of State Police (DSP) proposed this rulemaking to implement elements of Public Act 85-1203 (effective January 1, 1989) which empowers the Department to promulgate rules regarding the certification and training of law enforcement officers as electronic criminal surveillance officers and for the administration of the Electronic Criminal Surveillance Article of the Code of Criminal Procedure of 1961 (Ill. Rev. Stat. 1987, ch. 38, pars. 108B-1 et seq.). The announced purpose of the rulemaking is to specify procedures for the interception and recording of private oral communications, protection of privileged communications and minimize reporting of non-pertinent communications, while fulfilling law enforcement objectives. The rulemaking outlines procedures for qualification, certification, recertification and revocation of certification of electronic criminal surveillance officers (ECOs). Standards governing the types of conversations to be monitored/recorded and restriction of interception/recording of conversations are set. Procedures for the maintenance of evidence and recordkeeping are also stated.

Section 1295.40 of the Department's rulemaking outlines procedures whereby certification of ECOs are revoked or suspended by the

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Director of the Department (with the concurrence of the Illinois Local Governmental Law Enforcement Officers Training Board, "Board"). The rule provides that upon learning that a certified ECHO is violating any law relating to electronic criminal surveillance or this rulemaking, that an investigation shall be initiated. If the Director and Board conclude that an ECHO has violated the law or violated the civil rights of any party, the certification shall be revoked. The certification is to be suspended if the Director and Board conclude that an officer has violated any provision of this rulemaking.

The Department was asked to provide its statutory authority for Section 1295.40. In response, the Department cited Section 55a of the Civil Administrative Code (Ill. Rev. Stat. 1987, ch. 127, par. 55a27) and Section 108B-14 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 108B-14), as amended by Public Act 85-1203, which authorize the Department to promulgate rules pertaining to the certification and training of law enforcement officers as ECHOs. The Department stated this power permits it to adopt rules governing suspension/revocation of officers' ECHO certification.

Despite the assumption by the Department of the power to revoke certifications it has granted, the practical difficulties that emerge by the Department's assumption of that power, coupled with the lack of express statutory authority to do so, creates a significant problem. Certification is nothing more than the Department's attestation that an ECHO has obtained the necessary training to be classified at one of the three levels of ECHO specified in the rulemaking. It would be a paradox for the Department to later suspend/revoke that certification as a result of an ECHO's violation of a criminal statute pertaining to eavesdropping or the rules of this Part (in effect, hold that the training never took place or that its original certification was somehow flawed). If an ECHO performs some act warranting remedial action, his employing agency and the aggrieved party have remedies available (criminal, civil or supervisory). Revoking the certification that the training was completed does not accomplish the desired objective (sanctioning of the offending ECHO). In the absence of legislative authorization to revoke/suspend such certifications, the Department's goal, although noteworthy, cannot be achieved.

In defending its position, the Department argued that its impression of the legislative history concerning Public Act 85-1203 was that the Department was charged with the responsibility of carefully monitoring and oversight of this program. An examination of the transcripts of House and Senate debates concerning Public Act 85-1203 indicates,

however, that the emphasis of members of the General Assembly concerned the constitutionality of the pending bill's substantive provisions and whether a federal statutory provision mandating disclosure of intercepted conversations to parties not prosecuted as a result of such interceptions ought to be included.

The Department may be able to provide sound reasons for its wish to suspend/revoke certifications of ECHOs, and argue for the efficacy of such a program. In that event, the Department ought to pursue legislation to obtain the specific authority to do so.

Therefore, the Joint Committee suggests to the Department of State Police that it seek legislation amending the Criminal Code of 1961 to grant it the specific authority to revoke or suspend certifications.

Recommendation 2

The Joint Committee suggests to the Department of State Police that it seek legislation amending Article 108B of the Code of Criminal Procedure of 1961 to grant it the specific authority to establish recording and minimization standards and documentation and evidence handling procedures for electronic surveillance by means of administrative rules.

The Department of State Police (DSP) proposed this rulemaking to implement elements of Public Act 85-1203 (effective January 1, 1989) which empowers the Department to promulgate rules regarding the certification and training of law enforcement officers as electronic criminal surveillance officers and for the administration of the Electronic Criminal Surveillance Article of the Code of Criminal Procedure of 1961 (Ill. Rev. Stat. 1987, ch. 38, pars. 108B-1 et seq.). The announced purpose of the rulemaking is to specify procedures for the interception and recording of private oral communications, protection of privileged communications and minimize reporting of non-pertinent communications, while fulfilling law enforcement objectives. The rulemaking outlines procedures for qualification, certification, recertification and revocation of certification of electronic criminal surveillance officers (ECHOs). Standards governing the types of conversations to be monitored/recorded and restriction of interception/recording of conversations are set. Procedures for the maintenance of evidence and recordkeeping are also stated.

Section 1295.50 of the Department's rulemaking prescribes recording and minimization standards designed to restrict the interception of nonpertinent, innocent or privileged conversations. Section

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1295.50(b)(2) states that a factor to be considered in reaching a minimization decision is whether there is ambiguous, guarded, coded or foreign language. Section 1295.50(e) states spot monitoring of privileged and nonpertinent conversations shall be permitted to make certain the conversations do not lose their privileged and/or innocent nature.

Section 1295.60 establishes documentation requirements for conversations intercepted as authorized by Public Act 85-1203, mainly the keeping and maintenance of various logs of conversations.

Section 1295.70 details evidence handling procedures (such as requiring new cassette tapes to be placed on a recorder at the start of each shift, along with recordkeeping and chain of custody procedures for tapes and logs collected by ECSOs during the course of an interception).

The Department was asked to provide its statutory authority for the rules promulgated in the Sections cited above. In response, the Department stated it had no express authority, but the provisions were authorized by its general directive in (Ill. Rev. Stat. 1987, ch. 127 Supp., par. 55a27) that it prescribe rules for the administration of Article 108-B of the Code of Criminal Procedure of 1961 and that the questioned rules' text was adopted from case law opinions governing electronic surveillance and evidentiary challenges concerning the results of electronic surveillance, most notably, Scott vs. United States 436 U.S. 128 (1978), which the Department cited as the pre-eminent case concerning electronic surveillance and minimization. The Department insisted that the questioned provisions were merely to aid in the orderly application of Public Act 85-1203 by advising ECSOs of procedures that would promote the minimization objectives of the Act and federal case law, and, would prevent challenges to intercepted conversations on the ground that documentation and evidence handling procedures were legally proper.

Despite the Department's position, the fact remains that the Department concedes it has no express statutory directives on these issues. Given the intense scrutiny given Senate Bill 1987 (the legislative precursor of Public Act 85-1203), it appears that the Department has gone beyond its limited statutory charter by promulgating evidence procedures and legal safeguards stated in federal court decisions as administrative rules.

An examination of the legislative debates over Senate Bill 1987 discloses an important theme: there is the widespread perception that the Illinois Constitution sharply limits the non-consensual interception of private

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conversations, and, that the provisions of Senate Bill 1987 are designed to address only electronic surveillance specific offenders prescribed under the newly enacted Article 108B (drug offenders), under specific, limited circumstances. The Department's role in the implementation of P.A. 85-1207 is to develop rules governing certification of persons who are to engage in electronic surveillance. It does not have the authority to prescribe regulations detailing the types of recordkeeping documentation, and chain of custody rules it has adopted in the course of this rulemaking. If, as the Department has stated, it believes its mandate is to carefully comply with the provisions of Public Act 85-1203, then it would seem arguable it ought not to be promulgating administrative rules on subjects in the absence of express statutory authorization.

Therefore, the Joint Committee suggests to the Department of State Police that it seek legislation amending Article 108B of the Code of Criminal Procedure of 1961 to grant it the specific authority to establish recording and minimization standards and documentation and evidence handling procedures for electronic surveillance by means of administrative rules.

REC17064

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 9, 1988 through January 13, 1989 and have been scheduled for review by the Committee at its March 1, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
2/23/89	Department of Mental Health and Developmental Disabilities, Services Charges (59 Ill. Adm. Code 106)	11/14/88 12 Ill. Reg. 18087	March 1, 1989
2/23/89	Comptroller, Public Radio and Television Station Grants (74 Ill. Adm. Code 280)	11/18/88 12 Ill. Reg. 19259	March 1, 1989
2/25/89	Secretary of State, Notary Public Records (14 Ill. Adm. Code 176)	11/4/88 12 Ill. Reg. 17770	March 1, 1989
2/27/89	Department of Agriculture, Animal Welfare Act (8 Ill. Adm. Code 25)	11/18/88 12 Ill. Reg. 19164	March 1, 1989
2/27/89	Department of Agriculture, Diseased Animals (8 Ill. Adm. Code 85)	11/18/88 12 Ill. Reg. 19185	March 1, 1989
2/27/89	Department of Agriculture, Illinois Bovine Tuberculosis Eradication Act (8 Ill. Adm. Code 80)	11/18/88 12 Ill. Reg. 19196	March 1, 1989
2/27/89	Department of Agriculture, Illinois Dead Animals Disposal Act (8 Ill. Adm. Code 90)	11/18/88 12 Ill. Reg. 19201	March 1, 1989
2/27/89	Department of Agriculture, Livestock Dealer Licensing (68 Ill. Adm. Code 610)	11/18/88 12 Ill. Reg. 19205	March 1, 1989

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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
2/27/89	Department of Agriculture, Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)	11/18/88 12 Ill. Reg. 19211	March 1, 1989
2/27/89	Department of Agriculture, Illinois Pseudorabies Control Act (8 Ill. Adm. Code 115)	11/18/88 12 Ill. Reg. 19218	March 1, 1989
2/27/89	Illinois Commerce Commission, Least-Cost Planning for Natural Gas Utilities (83 Ill. Adm. Code 535)	6/3/88 12 Ill. Reg. 9314	March 1, 1989

PROCLAMATION

89-010

Illinois Trail Appreciation Month (Revised)

WHEREAS, Illinois citizens, in increasing numbers, enjoy such outdoor recreational pursuits as hiking, jogging, bicycling, cross-country skiing, horseback riding and snowmobiling on designated trails. They actively pursue physical exercise for health and fitness; and

WHEREAS, although such pursuits may occur on local roads and sidewalks, they more appropriately occur within parks and linear greenways on trails--pathways of easy, safe access into and through the Illinois landscape; and

WHEREAS, Illinois has linear historic canal and railroad rights-of-way that carry magic in their names--Hennepin, Illinois and Michigan, Rock Island, Great Western, Illinois Prairie--and which have been adapted for trail use and, therefore, are still viable corridors through the state; and

WHEREAS, the Rails-to-Trails Conservancy, a non-profit organization dedicated to the preservation of abandoned rail corridors for trail use, has declared Illinois one of the top five states in existing rail-trail conversions, with even greater potential for future preservation of abandoned rail corridors; and

WHEREAS, Illinois has many opportunities for additional trails, particularly in reusing railroad rights-of-way, and faces new thresholds for hiking, bicycling and other trail uses in the varied landscape of this great state;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as ILLINOIS TRAIL APPRECIATION MONTH in recognition of the many and wonderfully diverse recreational trails in Illinois and the committed trail enthusiasts who strive to increase trail opportunities for the public.

Issued December 15, 1988. Filed January 17, 1989.

PROCLAMATION

89-025

ROTC Week

WHEREAS, the Army Reserve Officers' Training Corps (ROTC) provides outstanding leadership instruction at 11 of our state's leading colleges and universities; and

WHEREAS, the ROTC's purpose is to develop selected men and women for positions of responsibility as officers in the active Army, Army National Guard, and Army Reserve; and

WHEREAS, the efficiency and vitality of our military depend to a great extent upon the high caliber of young officer accessions, more than half of whom are obtained each year through the ROTC program; and

WHEREAS, many civilian and government leaders in our state and in our nation have been ROTC members; and

WHEREAS, the ROTC is one of the most respected organizations in our country;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 17-21, 1989, as ROTC WEEK in Illinois, in recognition of the graduates of this outstanding program.

Issued January 6, 1989. Filed January 17, 1989.

PROCLAMATION
89-026
Seed Month

WHEREAS, the abundance of Illinois crops relies on the fertile soil, diligent farmers and high-quality seeds; and

WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians and concerned dealers; and

WHEREAS, the seed industry in Illinois significantly contributes to the state's agricultural diversity as well as its economic integrity and, therefore, serves as a model enterprise for future Illinois value-added productivity; and

WHEREAS, the Bureau of Laboratories of the Illinois Department of Agriculture tests the purity and germination of seeds, and validates correctness of labeling. The official seed-certifying agency in the state is the Illinois Crop Improvement Association, an independent, non-profit organization; and

WHEREAS, the Illinois Seed Dealers Association, in cooperation with educational and regulatory agencies, has developed an effective seed program. The association also informs its membership of latest research developments, current legislation affecting the seed industry and the availability of quality seed;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 1989 as SEED MONTH in Illinois, in appreciation of these efforts to ensure that seeds planted in our state will help supply food to the hungry people of the world.

Issued January 6, 1989. Filed January 17, 1989.

PROCLAMATION
89-027
Amateur Athletic Union Physique Day

WHEREAS, the State of Illinois and the Illinois Amateur Athletic Union (AAU) wholly support all ventures that promote the physical fitness of our state's residents; and

WHEREAS, bodybuilding competition is an important and valuable activity which contributes to the awareness and appreciation of physical fitness; and

WHEREAS, AAU national physique competitions boost a state and city's economic climate and tourist market; and

WHEREAS, as the State of Illinois and the City of Chicago aggressively seek to promote these competitions and physical fitness in general, Chicago will host the 1989 AAU Jr. Mr./Mrs. American National bodybuilding Championships on June 17;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 17, 1989, as AMATEUR ATHLETIC UNION PHYSIQUE DAY in Illinois, urging all citizens to support physical fitness events and to keep their own bodies in good health.

Issued January 9, 1989. Filed January 17, 1989.

PROCLAMATION

89-028

Nutrition Month

WHEREAS, the Illinois Department of Public Health, along with nutrition professionals throughout Illinois and the United States, is promoting good nutrition; and

WHEREAS, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and

WHEREAS, in keeping with the theme of the national observance -- "A Lifetime Decision, Choose Good Nutrition" -- all Illinoisans should become aware that proper nutrition is vital at all stages of life;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 1989 as NUTRITION MONTH in Illinois and urge all our citizens to become concerned about nutrition, not only during the month of March, but throughout their lives.

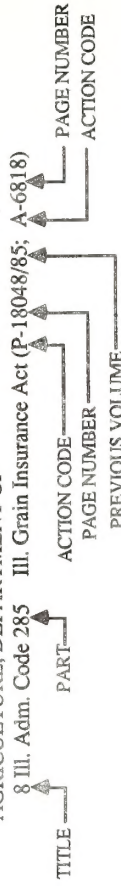
JCAR - Joint Committee on Administrative Rules

ACTION CODES

- | | |
|---|---|
| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PF - Prohibited Filing Ordered by JCAR |
| C - Notice of Corrections | PP - Peremptory or Court Ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR objections | S - Suspension ordered by JCAR |
| O - JCAR Statement of Objections | W - Withdrawal to meet JCAR objections |

EXAMPLE:

AGRICULTURE, DEPARTMENT OF



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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89 Ill. Adm. Code 240 Community Care Program (P-685)

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8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285)

8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254)

80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256)

80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 570 Ill. Small Business Development Program (P-20714/87; A-58)

47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779)

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83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)

83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)

92 Ill. Adm. Code 1710 Relocation Towing (P-10)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182)

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17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967)

17 Ill. Adm. Code 220 North Point Marina (P-731)

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20 Ill. Adm. Code 107 Records of Committed Persons (P-979)

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56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)

56 Ill. Adm. Code 2712 General Applications (P-15257/88; R-965; A-795)

56 Ill. Adm. Code 2960 General Provisions (P-17)

56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-752)

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35 Ill. Adm. Code 378 Effluent Disinfection Exemptions (P-12753/88; A-1190)

35 Ill. Adm. Code 251 Procedures for Collection of Air Pollution Site Fees (E-955)

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38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; A-966)

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41 Ill. Adm. Code 100 Fire Prevention & Safety (E-582)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

77 Ill. Adm. Code 2510 Data Collection (P-13694/88; A-334)

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 919 Improper Claims Practice (P-13535/88; C-17456/88; A-1204)

50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251) (E-586)

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80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-253) (E-629)

MINES AND MINERALS, DEPARTMENT OF

62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23) (P-756)

NUCLEAR SAFETY, DEPARTMENT OF

32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)

32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)

32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13838/88; A-803)

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35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)

35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)

35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)

35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)

35 Ill. Adm. Code 601 Introduction (P-262)

35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)

35 Ill. Adm. Code 605 Sampling & Monitoring (P-269)

35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)

35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)

35 Ill. Adm. Code 704 UIC Permit Program (P-17167/88; A-478)

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 68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (P-8536/88; A-513)

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 89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70)
 89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85)
 89 Ill. Adm. Code 141 Drug Manual (P-15483/88; A-516)
 89 Ill. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-15924/88; A-89)
 89 Ill. Adm. Code 149 Ill. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554)
 89 Ill. Adm. Code 120 Medical Assistance Programs (P-15938/88; A-116)
 89 Ill. Adm. Code 140 Medical Payment (P-11995/88; A-125) (P-16421/88; O-1259) (P-17172/88; O-1263)
 89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559)

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 11 Ill. Adm. Code 437 County Fair Regs. (P-1099)
 11 Ill. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266)
 11 Ill. Adm. Code 1308 Racing, Farm & Corporate or Stable Name (P-17766/88; O-1268)

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- 89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)
 89 Ill. Adm. Code 552 Eligibility (P-52) (P-277)
 89 Ill. Adm. Code 607 Other Services (P-56) (E-225)
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 86 Ill. Adm. Code 432 Pull Tabs & Jar Games Act (P-15027/88; A-191)

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 23 Ill. Adm. Code 3030 Ill. Library System Act, The (P-12180/88; A-1244)

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- 20 Ill. Adm. Code 1295 Certification & Training of Electronic Criminal Surveillance Officers (P-17064; RC-1270)

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 92 Ill. Adm. Code 448 Official Testing Stations (P-1127)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724). The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am = amendment to existing Section	A = Adopted rule	O = JCAR Objection	
cc = codification changes	C = Correction	P = Proposed rule	
n = new Section	CC = Codification Changes	PF = Prohibited Filing	
r = repeal of existing Section	E = Emergency rule	PP = Peremptory rule	
rc = reclassified	F = Failure to Remedy	R = Refusal to Modify or Withdraw	
# = renumbered	Objections	RC = JCAR Recommendation	
	M = Modification	S = Suspended rule	
		W = Withdrawal of Proposed rule	

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410.10	am	(P-13841/88; A-342)
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410.30	am	(P-13841/88; A-342)
410.40	am	(P-13841/88; A-342)
410.50	am	(P-13841/88; A-342)
410.60	am	(P-13841/88; A-342)
410.70	am	(P-13841/88; A-342)
410.80	am	(P-13841/88; A-342)
410.II. A	am	(P-13841/88; A-342)
410.II. B	n	(P-13841/88; A-342)

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251.201	am	(E-955)
251.202	n	(E-955)
251.203	am	(E-955)
251.208	am	(E-955)
251.210	am	(E-955)
251.212	r	(E-955)
251.215	am	(E-955)
251.301	am	(E-955)
304.302	am	(P-11669/88; A-851)
601.105	am	(P-262)
604.203	am	(P-255)
605.104	am	(P-269)
703.123	am	(P-15444/88; A-447)
704.143	am	(P-17167/88; A-478)
720.110	am	(P-15327/88; A-362)
720.111	am	(P-15327/88; A-362)
721.104	am	(P-15347/88; A-382)

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360.20	am	(P-13858/88; A-803)
360.30	am	(P-13858/88; A-803)
360.40	am	(P-13858/88; A-803)
360.50	am	(P-13858/88; A-803)
360.60	am	(P-13858/88; A-803)
360.70	am	(P-13858/88; A-803)
360.80	am	(P-13858/88; A-803)
360.90	am	(P-13858/88; A-803)
360.100	am	(P-13858/88; A-803)
360.Ap. A	am	(P-13858/88; A-803)
360.Tb. A	r	(P-13858/88; A-803)

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125.10	am	(PP-228)
125.260	am	(PP-228)
125.270	am	(PP-228)
700.Ap. I	am	(P-14786/88; A-285)

TITLE 14

570.30	am	(P-20714/87; A-58)
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TITLE 17

220.10	n	(P-731)
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220.40	n	(P-731)
220.50	n	(P-731)
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220.80	n	(P-731)
220.90	n	(P-731)

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721.133	am	(P-15347/88; A-382)
721.Ap. H	am	(P-15347/88; A-382)
722.110	am	(P-15449/88; A-452)
722.151	am	(P-15449/88; A-452)
724.101	am	(P-15455/88; A-458)
724.Ap. I	am	(P-15455/88; A-458)
725.101	am	(P-15402/88; A-437)

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190.10	am	(P-14097/88; O-22489/88; R-966)
190.50	am	(P-14097/88; O-22489/88; R-966)
190.140	am	(P-14097/88; O-22489/88; R-966)
190.160	am	(P-14097/88; O-22489/88; R-966)
190.180	am	(P-14097/88; O-22489/88; R-966)

TITLE 41

100.110	n	(E-582)
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TITLE 44

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120.115	n	(P-8521/88; A-779)

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2008.30	am	(P-251) (E-586)
2008.40	am	(P-251) (E-586)
2008.50	am	(P-251) (E-586)
2008.60	am	(P-251) (E-586)
2008.70	am	(P-251) (E-586)
2008.80	am	(P-251) (E-586)
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2008.Ap. C	am	(P-251) (E-586)
2008.Ap. D	am	(P-251) (E-586)
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2712.203	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.205	n	(P-15257/88; O-22482/88; R-965; A-795)

2712.207	n	(P-15257/88; O-22482/88; R-965; A-795)
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1280.30	r	(P-8536/88; A-513)
1280.40	r	(P-8536/88; A-513)
1280.50	r	(P-8536/88; A-513)
1280.55	r	(P-8536/88; A-513)
1280.60	r	(P-8536/88; A-513)
1280.70	r	(P-8536/88; A-513)
1280.80	r	(P-8536/88; A-513)
1280.85	r	(P-8536/88; A-513)
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1285.40	n	(P-8571/88; A-483)
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1285.70	am	(P-274) (E-651)
1285.80	n	(P-8571/88; A-483)
1285.90	am	(P-274) (E-651)
1285.95	n	(P-8571/88; A-483)
1285.100	n	(P-8571/88; A-483)
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790.600	am	(P-16425/88; A-856)
790.630	am	(P-12991/88; A-856)
790.799	am	(P-12991/88; A-856)
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790.860	am	(P-16425/88; A-856)
790.900	am	(P-16425/88; A-856)
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790.940	am	(P-12991/88; A-856)	790.3620	am	(P-12991/88; P-16425/88; A-856)	790.6284	am	(P-16425/88; A-856)
790.974	am	(P-16425/88; A-856)	790.3720	n	(P-16425/88; A-856)	790.6370	am	(P-12991/88; A-856)
790.1060	am	(P-12991/88; A-856)	790.3900	am	(P-16425/88; A-856)	790.6375	n	(P-16425/88; A-856)
790.1100	r	(P-16425/88; A-856)	790.3907	am	(P-12991/88; A-856)	790.6445	am	(P-16425/88; A-856)
790.1125	n	(P-16425/88; A-856)	790.3910	n	(P-12991/88; P-16425/88; A-856)	790.6450	am	(P-16425/88; A-856)
790.1127	n	(P-16425/88; A-856)	790.3945	am	(P-16425/88; A-856)	790.6452	am	(P-16425/88; A-856)
790.1129	n	(P-16425/88; A-856)	790.4012	am	(P-16425/88; A-856)	790.6454	n	(P-16425/88; A-856)
790.1131	n	(P-16425/88; A-856)	790.4040	am	(P-16425/88; A-856)	790.6456	am	(P-12991/88; P-16425/88; A-856)
790.1300	am	(P-16425/88; A-856)	790.4060	am	(P-16425/88; A-856)	790.6540	am	(P-16425/88; A-856)
790.1345	am	(P-16425/88; A-856)	790.4100	am	(P-12991/88; P-16425/88; A-856)	790.6580	am	(P-16425/88; A-856)
790.1440	n	(P-16425/88; A-856)	790.4220	am	(P-16425/88; A-856)	790.6621	n	(P-16425/88; A-856)
790.1460	am	(P-16425/88; A-856)	790.4396	am	(P-12991/88; P-16425/88; A-856)	790.6670	am	(P-16425/88; A-856)
790.1560	n	(P-12991/88; P-16425/88; A-856)	790.4398	am	(P-12991/88; P-16425/88; A-856)	790.6740	am	(P-16425/88; A-856)
790.1570	n	(P-16425/88; A-856)	790.4430	am	(P-16425/88; A-856)	790.6780	am	(P-12991/88; P-16425/88; A-856)
790.1577	am	(P-16425/88; A-856)	790.4460	am	(P-16425/88; A-856)	790.6875	am	(P-12991/88; A-856)
790.1620	am	(P-12991/88; A-856)	790.4580	am	(P-16425/88; A-856)	790.6946	am	(P-16425/88; A-856)
790.1660	am	(P-16425/88; A-856)	790.4620	am	(P-16425/88; A-856)	790.6960	n	(P-12991/88; P-16425/88; A-856)
790.1685	am	(P-12991/88; A-856)	790.4660	am	(P-16425/88; A-856)	790.6980	am	(P-16425/88; A-856)
790.1721	am	(P-16425/88; A-856)	790.4670	am	(P-12991/88; A-856)	790.7020	am	(P-16425/88; A-856)
790.1740	am	(P-16425/88; A-856)	790.4680	am	(P-12991/88; A-856)	790.7140	am	(P-16425/88; A-856)
790.1930	am	(P-16425/88; A-856)	790.4720	am	(P-12991/88; P-16425/88; A-856)	790.7180	n	(P-16425/88; A-856)
790.2060	am	(P-16425/88; A-856)	790.4740	am	(P-12991/88; P-16425/88; A-856)	790.7181	n	(P-16425/88; A-856)
790.2097	am	(P-12991/88; A-856)	790.4820	am	(P-16425/88; A-856)	790.7260	am	(P-16425/88; A-856)
790.2140	am	(P-12991/88; P-16425/88; A-856)	790.4860	am	(P-16425/88; A-856)	790.7265	n	(P-16425/88; A-856)
790.2180	am	(P-16425/88; A-856)	790.5060	am	(P-16425/88; A-856)	790.7288	n	(P-16425/88; A-856)
790.2260	am	(P-16425/88; A-856)	790.5140	am	(P-12991/88; P-16425/88; A-856)	790.7540	am	(P-12991/88; P-16425/88; A-856)
790.2340	am	(P-16425/88; A-856)	790.5180	am	(P-16425/88; A-856)	790.7700	am	(P-16425/88; A-856)
790.2380	am	(P-16425/88; A-856)	790.5220	am	(P-12991/88; A-856)	790.7828	am	(P-12991/88; P-16425/88; A-856)
790.2500	am	(P-12991/88; P-16425/88; A-856)	790.5300	am	(P-16425/88; A-856)	790.7900	am	(P-16425/88; A-856)
790.2540	am	(P-16425/88; A-856)	790.5312	am	(P-12991/88; A-856)	790.7940	am	(P-12991/88; P-16425/88; A-856)
790.2580	am	(P-16425/88; A-856)	790.5420	am	(P-16425/88; A-856)	790.8378	am	(P-16425/88; A-856)
790.2605	am	(P-12991/88; P-16425/88; A-856)	790.5483	am	(P-12991/88; P-16425/88; A-856)	790.8380	am	(P-16425/88; A-856)
790.2613	am	(P-16425/88; A-856)	790.5520	n	(P-16425/88; A-856)	790.8580	am	(P-16425/88; A-856)
790.2617	am	(P-16425/88; A-856)	790.5530	am	(P-16425/88; A-856)	790.8700	am	(P-16425/88; A-856)
790.2618	am	(P-12991/88; P-16425/88; A-856)	790.5540	am	(P-12991/88; P-16425/88; A-856)	790.8900	am	(P-16425/88; A-856)
790.2780	am	(P-16425/88; A-856)	790.5544	am	(P-12991/88; P-16425/88; A-856)	790.8940	am	(P-16425/88; A-856)
790.2860	am	(P-16425/88; A-856)	790.5560	am	(P-16425/88; A-856)	790.9000	am	(P-12991/88; P-16425/88; A-856)
790.2900	am	(P-16425/88; A-856)	790.5620	n	(P-12991/88; P-16425/88; A-856)	790.9020	am	(P-12991/88; P-16425/88; A-856)
790.2904	am	(P-16425/88; A-856)	790.5640	n	(P-12991/88; A-856)	790.9060	am	(P-12991/88; P-16425/88; A-856)
790.2928	r	(P-16425/88; A-856)	790.5792	am	(P-12991/88; P-16425/88; A-856)	790.9084	am	(P-12991/88; A-856)
790.2928	n	(P-12991/88; A-856)	790.5795	n	(P-16425/88; A-856)	790.9140	am	(P-16425/88; A-856)
790.2932	am	(P-16425/88; A-856)	790.5807	am	(P-16425/88; A-856)	790.9486	am	(P-12991/88; P-16425/88; A-856)
790.3020	am	(P-16425/88; A-856)	790.5820	am	(P-12991/88; P-16425/88; A-856)	790.9500	am	(P-12991/88; P-16425/88; A-856)
790.3027	am	(P-16425/88; A-856)	790.5830	am	(P-12991/88; P-16425/88; A-856)	790.9530	am	(P-12991/88; P-16425/88; A-856)
790.3085	am	(P-16425/88; A-856)	790.5837	n	(P-16425/88; A-856)	2510.50	am	(P-13694/88; A-334)
790.3100	am	(P-16425/88; A-856)	790.5840	am	(P-16425/88; A-856)			
790.3300	am	(P-16425/88; A-856)	790.5872	am	(P-16425/88; A-856)			
790.3335	am	(P-16425/88; A-856)	790.5893	am	(P-16425/88; A-856)			
790.3340	am	(P-12991/88; P-16425/88; A-856)	790.5900	am	(P-16425/88; A-856)			
790.3420	am	(P-12991/88; A-856)	790.5924	am	(P-12991/88; A-856)			
790.3425	am	(P-16425/88; A-856)	790.5940	am	(P-12991/88; P-16425/88; A-856)			
790.3437	am	(P-12991/88; A-856)	790.5980	am	(P-16425/88; A-856)			
790.3440	n	(P-16425/88; A-856)	790.6140	am	(P-16425/88; A-856)			
790.3475	n	(P-16425/88; A-856)	790.6260	am	(P-16425/88; A-856)			
790.3500	am	(P-16425/88; A-856)	790.6275	am	(P-12991/88; P-16425/88; A-856)			

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TITLE 79

310.Ap. A am (P-20584/88; RC-1254)
Tb. P am (P-20584/88; RC-1254)
2650.1 n (P-687/88; O-1256)
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2650.30 n (P-687/88; O-1256)

TITLE 80

140.100 am (P-16421/88; O-1259)
140.445 am (P-17172/88; O-1263)

TITLE 81

448.Ap. A am (P-1127)

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